

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 - - - - - X
4 UNITED STATES OF AMERICA, : CR 12-350 (ILG)
5 :
6 -against- :
7 United States Courthouse
8 PETER LIOUNIS, : Brooklyn, New York
9 :
10 Defendant. : January 29, 2014
11 : 10:00 o'clock a.m.
12 - - - - - X

12 TRANSCRIPT OF TRIAL
13 BEFORE THE HONORABLE I. LEO GLASSER
14 UNITED STATES SENIOR JUDGE, and a jury.

14 APPEARANCES:

15 For the Government: LORETTA E. LYNCH
16 United States Attorney
17 BY: JUSTIN LERER
MICHAEL YAEGER
18 Assistant United States Attorneys
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19 Brooklyn, New York

20 For the Defendant: MICHAEL H. GOLD, ESQ.
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25 Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

1 (The following occurred in the absence of the jury.)

2 THE CLERK: Criminal cause on trial, the United
3 States versus Peter Liounis.

4 MR. LERER: Judge Glasser, could we talk to Mr. Gold
5 for a second about some scheduling matters and then address
6 the Court?

7 THE COURT: Of course.

8 MR. GOLD: And just so you'll know, we have some
9 stipulations, Judge. So we are zipping through.

10 THE COURT: Nothing beyond that?

11 (Pause.)

12 MR. LERER: Good morning, Your Honor.

13 Your Honor, I wanted to inform the Court of some
14 scheduling matters. I think we are proceeding much more
15 quickly than we had even in our best expectation hoped for. I
16 believe that -- we'll have a full day today. Tomorrow I think
17 we will not be able to fill the day because our remaining
18 witnesses are from out of town. Then on Monday, I think we
19 would rest on Monday and if the Court were prepared, we could
20 even do the charging conference on Monday, assuming no defense
21 case or a short defense case and we would be ready to sum up
22 on Tuesday.

23 MR. GOLD: I have no objection to that, Your Honor.

24 THE COURT: No. I was going to ask whether there is
25 going to be a defense case?

1 MR. GOLD: As I was just explaining to Mr. Lerer,
2 given my -- the timing of my involvement as trial counsel, I
3 have not had an opportunity as yet to determine whether there
4 will be a defense case or not. I am expecting to meet with
5 certain witnesses that Mr. Liounis has suggested. I am trying
6 to do that on Friday. So at this point I honestly can't give
7 an answer to whether there is or is not going to be a defense
8 case. If there is, based on, as things have unfolded, I
9 wouldn't expect it to be a very lengthy one.

10 THE COURT: Thank you very much.

11 I would say, Mr. Gold, that 31 years in this court I
12 have yet to have a defense attorney be able to tell me whether
13 there will or will not be a defense case.

14 MR. GOLD: I don't to break your unbroken record,
15 Judge.

16 THE COURT: If we are ready, the jury is here.

17 MR. GOLD: Your Honor, I believe we have -- just so
18 you know, one of the witnesses that the government intended to
19 call and referenced yesterday was someone from MDC, to
20 introduce this prison call. We have arrived at a stipulation
21 regarding that so that the call will not be played in its
22 entirety, with the identification of it emanating from MDC.
23 That's one thing.

24 What was also the subject of pretrial discussion and
25 an order by the Court which the Court permitted, briefly

1 asking the Court to reconsider the testimony, the anticipated
2 testimony of Mr. Moldrem. He will be coming in, just to
3 refresh the Court, and basically talking about similar schemes
4 that had previously been the subject of this indictment but
5 were -- the charges -- the counts were dismissed, which at the
6 time the government was offering as 404(b), to prove both the
7 identity of Mr. Liounis's voice and I assume also on the issue
8 of absence of mistake. So identification and mistake.

9 I think given the parade of victims that has come
10 forward over the last couple of days, and I assume we will be
11 hearing more from, and the government having played yesterday
12 certain tapes of Mr. Liounis from his personal phone and
13 comparing it with the Mark -- quote Mark Anderson phone, as
14 well as today, this MDC call, which we are stipulating is
15 Mr. Liounis's voice, which would be another basis of
16 comparison, that given that background and prospectively what
17 I assume will be coming in going forward, I think it's
18 cumulative and confusing to start introducing evidence
19 by -- of another totally unrelated scheme to that which is
20 the -- the jury will be asked to decide, to satisfy issues
21 that really are amply and adequately answered through
22 alternative means, that -- and the net result being that there
23 is unnecessary prejudice to Mr. -- given the alternatives,
24 there is unnecessary prejudice to Mr. Liounis.

25 THE COURT: Does the government want to respond?

1 MR. YAEGER: Yes, Your Honor.

2 In reliance on the Court's order, we opened with a
3 short description of what we anticipated Mr. Moldrem's
4 testimony to be. It would certainly prejudice the government
5 now to not be able to present that testimony.

6 Identity remains the issue in this case. It has to
7 be proved beyond a reasonable doubt, not simply at the Rule 29
8 standard either, and to carry our burden with this jury, we
9 believe we need this evidence that Your Honor has previously
10 ruled is admissible for the reasons Your Honor specified and
11 that we put in our motions in limine.

12 THE COURT: How exactly is Mr. Moldrem going to be
13 testifying in terms of -- in terms of his voice identity, to
14 what extent are any other schemes necessary to --

15 MR. YAEGER: The --

16 THE COURT: Why don't you wait until I finish,
17 Mr. Yaeger?

18 MR. YAEGER: I apologize.

19 THE COURT: What I am asking is, if the purpose of
20 offering this testimony is to identify his voice and, I take
21 it, to identify his use, his voice using another name, is that
22 right?

23 MR. YAEGER: Correct, Your Honor.

24 THE COURT: How is that being presented? To what
25 extent is it necessary to make reference to the fact that this

1 was part of or these phone calls were part of the involvement
2 and in relation to another scheme?

3 MR. YAEGER: Only to a minimal extent and that is
4 the extent we are introducing it.

5 Initially, he heard this voice as James Weston and
6 that is the voice he invested under with the Rockford scheme.
7 A very bare bones, I expect very bare bones testimony on that.
8 You invested with this guy, in the Rockford scheme, and he
9 lost certain amount of money. That's essentially it, without
10 any real details of the scheme.

11 And then this same voice calls him up and we play
12 the tape on that same voice, now using the name Santo Crivera.

13 THE COURT: Excuse me. When is Mr. Moldrem going to
14 be testifying?

15 MR. YAEGER: In the morning, after the cell site
16 expert, Mr. Orellana.

17 THE COURT: We will pursue this a little further. I
18 will need a little bit more information.

19 I am just wondering about the necessity of testimony
20 that he lost money. We are dealing with, as I understand it,
21 simply a question of voice identity. Is that right?

22 MR. YAEGER: It is, Your Honor, yes.

23 However, it is simply part of completing the story
24 to say why this man would be driven to record someone's voice,
25 why he would recognize it, because he heard this voice many,

1 many times, over several months. We are not going into the
2 details of the scheme so much as providing a basis for the
3 jury to believe his testimony, that he knew this was the same
4 voice. Really, the testimony elicited from him is about that,
5 not about the precise details of the Rockford scheme at all.

6 THE COURT: How long are these tapes, will it take
7 these tapes to be played?

8 MR. YAEGER: I anticipate the direct testimony -- to
9 play the tapes? Each tape is something like five or
10 six minutes. I am not playing the full five or six minutes
11 for each tape. I believe there are three tapes. So I believe
12 I will be playing something like ten minutes or less of actual
13 tape. I think considerably less but I'd have to look at my
14 notes to see the exact seconds.

15 THE COURT: All right. I think that what I would
16 like to do is, I would like to hear the tapes before
17 Mr. Moldrem testifies.

18 MR. YAEGER: Yes, Your Honor.

19 THE COURT: Okay. Are you ready? We will get the
20 jury.

21 (Jury present.)

22 THE COURT: Good morning.

23 You are on the way to being nominated for the
24 promptest jury I've heard in quite a while.

25 Thank you very much for being here.

Orellana - direct - Lerer

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1 If you are ready to proceed, call your next witness.
2 Who is your next witness?

3 MR. LERER: Your Honor, the United States calls
4 Eduardo Orellana.

5 THE CLERK: Please stand over here and raise your
6 right hand.

7 (The witness is duly sworn/affirmed by Clerk of
8 Court.)

9 THE CLERK: Please be seated.
10 Please state and spell your full name for the
11 record.

12 THE WITNESS: First name Eduardo, E D U A R D O,
13 last name Orellana, O R E L L A N A.

14 THE COURT: All right. Please, proceed.

15 MR. LERER: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MR. LERER:

18 Q Good morning, sir.

19 A Good morning.

20 Q What do you do for a living?

21 A I'm the Director of Communications for RF and Wireless
22 Engineering and Company.

23 Q What company do you work for?

24 A I work for Integrated Strategic Resources.

25 Q You said you were the Director of Communications for

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Orellana - direct - Lerer

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1 RF and Wireless Engineering, is that correct?

2 A That's correct.

3 Q What does RF stand for?

4 A It stands for radio frequency.

5 Q Are you trained as a radio frequency engineer?

6 A That's correct.

7 Q First I should ask, were you retained by the government
8 in this case to analyze cell site records?

9 A Yes.

10 Q What does a radio frequency engineer do?

11 A There are two main tasks that a radio frequency engineer
12 does. The first one is what we call cell site design, where
13 we pick a location for a cell site and the equipment that
14 should go on that cell site.

15 Once you turn up the cell site, there is another
16 main task for an RF engineer, which is to do what we call
17 performance optimization.

18 Q Mr. Orellana, can I ask you to slow down just a little
19 bit?

20 A Sure.

21 Q Thank you.

22 A So performance optimization is done to make sure that
23 once you turn on the site, you don't drop or block calls in
24 the area.

25 Q Do different cellular telephone companies use different

Orellana - direct - Lerer

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1 technologies?

2 A That's correct, yes.

3 Q Which technologies have you received training on?

4 A So I work for -- when I worked for Nextel, I was trained
5 on the IDEN technology, I D E N, for Motorola. Motorola gave
6 those training courses.

7 I was also trained on CDMA. That's the technology
8 that Sprint, Verizon as well as Metro PCS uses. I was trained
9 on that technology.

10 Q Let me pause for one second.

11 That CDMA training, is that the technology of the
12 cell sites you analyzed in this case?

13 A That's correct, yes.

14 Q Who did you receive that training from?

15 A From Alcatel-Lucent.

16 And then I also worked on the UMTS technology.
17 That's a technology that T-Mobile and AT&T use, and that
18 training was provided by Ericsson.

19 Q Have you personally worked in the design of cell sites?

20 A Yes.

21 Q Have you personally worked in choosing the locations for
22 cell sites?

23 A Yes.

24 Q When was that?

25 A So pretty much from 1999 -- well, really to 2010, for

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Orellana - direct - Lerer

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1 cellular technologies. I currently do it for other
2 technologies, radio technologies.

3 Q Where have you worked on the design and the location of
4 cell sites, what geographic areas?

5 A Most of my design was done in Brooklyn, Queens, Staten
6 Island and Long Island.

7 Q What's the highest degree you have earned in school?

8 A Master of Science in Electrical Engineering from
9 Polytechnic University.

10 MR. LERER: Your Honor, at this time the government
11 moves pursuant to Rule 702 of the Federal Rules of Evidence to
12 qualify the witness as an expert in the engineering and
13 operation of cell site technology.

14 MR. GOLD: No objection.

15 THE COURT: He will be received.

16 MR. LERER: Thank you, Your Honor.

17 Q Before you, you have a large --

18 THE COURT: I will explain what that means to the
19 jury at a later time.

20 Mr. Orellana is testifying as an expert witness,
21 which essentially means that he is perfectly capable of
22 testifying, and properly testifying, giving an opinion of
23 whatever it is he's asked to give an opinion about. I will
24 explain all that to you later on.

25 Let me do it now.

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1 As a general rule, witnesses are permitted to
2 testify, as a general rule, to facts, not to opinions. There
3 are circumstances during which it is impossible for laymen to
4 understand the significance of a fact which is in issue
5 because we don't have the expertise or the educational
6 background to understand it.

7 For example, if the problem before a court would be
8 whether or not a person whose brain was operated on was
9 operated on carefully by a competent neurosurgeon, neither you
10 nor I would be able to make any judgment as to whether the
11 surgeon operated carefully or not. We would need an opinion
12 from another neurosurgeon to testify about how that operation
13 was conducted and whether it was done carefully or carelessly.
14 That witness would express an opinion.

15 This witness is going to express an opinion about
16 the intricacies of cell sites and the significance of the
17 location of cell sites and how that is determined, which
18 neither you nor I have the sufficient background or
19 information to make a judgment on.

20 So he is going to express an opinion about that
21 based upon his special knowledge and expertise and background.
22 An expert is permitted to testify in that fashion.

23 Okay? Is that clear enough, I hope?

24 Go ahead.

25 MR. LERER: Thank you, Your Honor.

Orellana - direct - Lerer

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1 EXAMINATION CONTINUES

2 BY MR. LERER:

3 Q Mr. Orellana, in front of you you have in a separate
4 folder a large document marked Government Exhibit 64.

5 Can you just open up that folder and take a look?

6 A Yes.

7 Q In preparation for your testimony, have you reviewed
8 Government Exhibit 64?

9 A Yes.

10 Q What is that document?

11 A These are what we would call call detail records, with a
12 lot of information about calls that were placed.

13 Q Does that include switch and cell site location
14 information?

15 A Switch, cell site, times call started and a lot of other
16 information, yes.

17 Q I am going to show you, Mr. Orellana, an exhibit already
18 in evidence, Government Exhibit 20.

19 Did you -- I will put it up here.

20 THE COURT: Mr. Orellana, you can step down if --

21 MR. LERER: Your Honor, with your permission, I will
22 ask Mr. Orellana to step down later.

23 THE COURT: Okay.

24 MR. LERER: I'll tilt it.

25 THE COURT: Okay.

Orellana - direct - Lerer

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1 Q This column cell site on the far right of Government
2 Exhibit 20, did you verify that that conforms with the records
3 in Government Exhibit 64?

4 A Yes.

5 Q Mr. Orellana, before you you have Government Exhibit 7
6 and 8-A through C already in evidence.

7 In preparation for your testimony, did you review
8 those documents?

9 A Yes.

10 Q I will publish seven on the -- seven on the document
11 camera.

12 Is that the Metro PCS switch list, Mr. Orellana?

13 A That's correct.

14 Q I will briefly publish 8-A, 8-B and 8-C.

15 In preparation for your testimony, did you
16 previously review all those documents?

17 A Yes.

18 Q Do these documents allow you to determine the location of
19 cell sites on the Metro PCS network?

20 A That's correct.

21 The cell site list that we saw has GPS data to be
22 able to map that, find the location.

23 Q Thank you, sir.

24 Mr. Orellana, I am showing you Government Exhibit 65
25 A.

Orellana - direct - Lerer

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1 Does that accurately reflect the location of
2 Metro PCS cell sites in the displayed portions of Brooklyn and
3 Staten Island?

4 A Yes.

5 Q And are there two locations mapped, 59 Genesee Avenue in
6 Staten Island, 1204 Avenue U in Brooklyn?

7 A That's correct.

8 Q 65-B, I will inform you that the photo on the bottom
9 right corner is already in evidence.

10 Does this reflect the location of the cell sites in
11 the proximity of 1204 Avenue U?

12 A That's correct.

13 Q And 1204 Avenue U is itself mapped as well?

14 A Yes.

15 Q 65-C, does that reflect the Metro PCS cell site locations
16 in the vicinity of 59 Genesee Avenue, Staten Island?

17 A Correct.

18 Q Is 59 Genesee Avenue mapped at the point B?

19 A Yes.

20 Q And cell tower 893-1 -- sorry. Pardon me.

21 The cell towers are labeled?

22 A Yes.

23 Q Did you take the photo that's labeled as A?

24 A Yes.

25 Q And the fact -- the statement written on the bottom

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Orellana - direct - Lerer

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1 right-hand corner, did you verify that's correct from the
2 records?

3 A Yes.

4 Q Did you make all these maps?

5 A Yes.

6 MR. LERER: The government moves 65-A, B and C into
7 evidence.

8 MR. GOLD: No objection.

9 THE COURT: They are received.

10 (Marked.)

11 Q Mr. Orellana, in layman's terms, can you explain how a
12 cellular phone connects to the cellular network when it makes
13 or receives a call?

14 A The cellphone is always scanning for the strongest cell
15 sites in an area and it scans for the strongest signal
16 strength and the strongest signal quality. Based on that, it
17 selects a site. The best serving site, as we call it.

18 Q What is a cell site or cell tower?

19 A Generally speaking, a cell site consists of an antenna
20 and the radio equipment and that radio equipment sends out RF
21 energy in particular directions. It's like a flashlight. So
22 if you can imagine the closer you are to the flashlight, the
23 stronger the RF energy and signal strength is. The further
24 away, the weaker the signal strength is.

25 THE COURT: What does RF stand for, Mr. Orellana?

Orellana - direct - Lerer

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1 THE WITNESS: Radio frequency. It's really the
2 energy that we use to communicate wirelessly.

3 Q Do cell sites get used every time a call is made or
4 received?

5 A Could you repeat the question?

6 Q Is a cell site connected with every time a call is made
7 or received?

8 A Yes.

9 Q What factors determine which cell site is used on a call?

10 A Generally speaking, if you are stationary, again, the
11 phone is going to home in on the strongest signal strength and
12 the strongest signal quality. Usually it's the closest site
13 and when you place a call, it will be served by that site.

14 Q What can determine signal strength?

15 A So signal strength primarily is from the radio equipment
16 that's installed. So an engineer will design that, depending
17 on the coverage that they want in a particular area. But
18 there are also some limitations. So, for instance, a site
19 that is further -- is taller, the signal strength may go
20 further because it sees further.

21 Q What about interference, can that play a role?

22 A So depending on the technology, interference is described
23 in two different ways. I will focus on CDMA. For CDMA, if
24 you have two cell sites in an area, or I should say, four or
25 five cell sites in an area, the more sites there are and the

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Orellana - direct - Lerer

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1 more users there are on the site, then the signal quality
2 actually degrades. Because the tower can't tell where the
3 users -- which users it needs to serve sometimes.

4 THE COURT: What does CDMA stand for?

5 THE WITNESS: Code -- you are testing me. It's a
6 technology. It stands for Code Division Multiple Access.

7 Probably the best way to describe it is, Microsoft
8 versus Apple. So a carrier can use CDMA or it can use IDEN
9 or, for that matter, UMTS. They do the same thing but there
10 are different features basically that are available with the
11 technology.

12 Q Were you saying when there is interference the cell site
13 actually covers a smaller area?

14 A For CDMA, that's absolutely correct. The more users
15 there are on the site, what the cell tower does, it
16 distributes the power to all the users and then the quality
17 degrades slightly.

18 Q Generally speaking, which cell site gets used when a
19 person makes or receives a call?

20 A Generally speaking, it will be the closest serving site.
21 Again, that's relative to signal strength and signal quality
22 as well.

23 Q Generally speaking, can you tell where a phone is located
24 at the time it made or received a call by looking at cell site
25 records?

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1 A That's correct. Because the cell site records indicate
2 the serving cell site.

3 Q Just to be clear, can you tell which particular person
4 used the phone at this time?

5 A No.

6 Q I am going to publish Government Exhibit 65-B.

7 Mr. Orellana, could you step down, please?

8 (Witness steps down.)

9 For the Court's convenience, we will switch over to
10 this side.

11 Maybe, Mr. Orellana, I will ask you to stand there
12 so the court reporter gets down what you say.

13 What area does this map, Government Exhibit 65 --
14 I'm sorry. This is 65-A.

15 Government Exhibit 65-B, what area does 65-B show?

16 A This is the vicinity of -- it's the Sheepshead Bay area
17 in Brooklyn and it maps the Metro PCS sites in that area.

18 Q When you reviewed the cell site records in this case, how
19 many calls had cell site location data?

20 A There were 566 records for which I had data.

21 Q Cell site data?

22 THE COURT: Would you keep your voice up a little
23 bit so we can hear you here?

24 THE WITNESS: Sure.

25 Q How many calls had data?

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Orellana - direct - Lerer

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1 A 566.

2 Q Had cell site data?

3 A Had cell site data, correct.

4 Q Did you find any calls that hit off any of the towers and
5 this is for phone number 347-465-0606?

6 Did any of those 566 calls hit off, serve off any of
7 the cell sites located by 1204 Avenue U?

8 A No.

9 Q Zero?

10 A Zero.

11 Q Okay. I will show you 65-A.

12 What does Government Exhibit 65-A display, what
13 areas are those?

14 A This is a map of Brooklyn, which is over to the top
15 right, and over to the left is Staten Island. Once again, the
16 blue dots represent Metro PCS sites in Brooklyn and Staten
17 Island for the areas that are shown.

18 Q So each blue dot is a cell tower?

19 A That's correct.

20 Q On Metro PCS?

21 A Correct.

22 Q When you reviewed the 566 cell site records, did any of
23 the cell sites serve off anywhere in Brooklyn at all?

24 A No.

25 Q Where did all 566 calls serve off of, which general area?

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1 A Down in the bottom left here, you will see a blue circle
2 around the blue dot and that indicates that those sites served
3 the user. So they were all in this Great Kills area of Staten
4 Island.

5 Q Based on the configuration of all these Metro PCS cell
6 sites, if a person made a phone call at -- if a person was at
7 1204 Avenue U making a phone call, is there any way the cell
8 site they would have used would be one of these in Staten
9 Island?

10 A No.

11 Q That's impossible?

12 A It's impossible because these sites are low power sites.
13 Furthermore, in this Coney Island area and up north from
14 there, there are a lot of tall buildings that would block the
15 signal.

16 Q So the signal could not travel from Staten Island and
17 pick up a call placed in 1204 Avenue U?

18 A No.

19 Q Now I will publish 65-C.

20 What does this map display?

21 A This is a -- now a zoomed in view of the Great Kills,
22 general Great Kills area on Staten Island. Once again, it
23 displays in the blue circle, blue dots, the Metro PCS cell
24 site. The circle around that indicates that that site served
25 a call that was placed for the dates of interest.

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1 Q Point B is the location of 59 Genesee Avenue?

2 A That's correct.

3 Q Point A is this photograph on the top left of Government
4 Exhibit 65-C, is that correct?

5 A That's correct, yes.

6 Q Did you take that photograph?

7 A Yes.

8 Q What is that a photograph of?

9 A So this is the -- a picture of the Metro PCS site
10 identified by 893 sector one we saw. It's what we call a DAS
11 site. Up at the top here you see the antenna that's used to
12 send out the RF energy. On the pole there is some equipment
13 that actually sends out RF energy up to that antenna.

14 Q You personally visited that cell site?

15 A That's correct.

16 Q When you say DAS, does that stand for Distributed Antenna
17 System or Directed Antenna System?

18 A Correct, yes.

19 Q Are DAS cell sites stronger or weaker than typical cell
20 sites?

21 A They are weaker.

22 You can appreciate that this is a light pole,
23 whereas if you were on top of a building, you would be able to
24 send the signal a lot further. But beyond that, these have to
25 operate at low power. They are designed to serve a small area

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1 because you have a few of these placed in the area.

2 Q When you say a small area, what is the typical range of a
3 DAS -- are all of these sites DAS sites that are mapped here?

4 A That's correct. Every blue dot is a DAS site, correct.

5 Q What is the typical range of a DAS cell site?

6 A So typically they are designed to only serve two to
7 three city blocks.

8 Q A little more or less depending on the circumstances?

9 A Correct; depends on the environment in the area.

10 Q Did you personally drive by 59 Genesee Avenue, point B?

11 A Yes.

12 Q How far is 59 Genesee Avenue, point B, from point A, cell
13 tower 893-1?

14 A Diagonally speaking, it's about a city block away.

15 Q Cell sites don't have to turn the corner? They can go
16 diagonally?

17 A That's right.

18 Q I will direct your attention to the bottom right portion
19 of the chart.

20 That's a statement you verified with the records,
21 correct?

22 A That's correct.

23 Q What was the first date of cell site data you received
24 for 347-465-0606?

25 A It was January 10th of 2012.

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1 Q What was the last date of cell site data for that phone
2 number?

3 A It was February 23rd of 2012.

4 Q Between those two dates, January 10, 2012 and
5 February 23, 2012, how many times did that cellphone serve off
6 893-1?

7 A Five hundred thirty-four.

8 Q Five hundred thirty-four times?

9 A That's correct.

10 Q Five hundred thirty-four times in less than a
11 month-and-a-half; is that correct?

12 A That's correct.

13 Q Does that mean 534 separate calls?

14 A It's 534 separate calls, yes.

15 Q I will now display in addition Government Exhibit 20.

16 I think we will have to move it a little closer.

17 Can everyone see 20? Shall I turn it a little bit?

18 How about now?

19 Okay.

20 THE COURT: Ms. Williams, can you see that?

21 A JUROR: No.

22 THE COURT: Can you all see that now?

23 MR. LERER: Can you all see both of them?

24 Thank you.

25 Q Now we will go through the chart.

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1 THE COURT: The exhibit number, please?

2 MR. LERER: Government Exhibit 20, Your Honor.

3 Thank you.

4 Q All my references to call dates and numbers will be for
5 Government Exhibit 20. I will try to mention that?

6 Government Exhibit 20, session 431,
7 January 11, 2012, with the investor Swanson, which site did
8 that serve off of?

9 A Served off of cell 893, sector six right here.

10 MR. LERER: I will note for the record that
11 Mr. Orellana pointed at 893-6 on Government Exhibit 65-C and
12 in the structure of the examination I expect he will be
13 pointing at Government Exhibit 65-C and naming cell site
14 locations.

15 Q January 12, 2012, session 490, the investor Swanson,
16 which cell site did that call serve off?

17 A That's off of 893, sector one.

18 Q January 18, 2012, session 598, call with the investor
19 Wilde, what cell site did that serve off of?

20 A 893, sector one.

21 Q January 24, 2012, session 729, again with Mr. Wilde, what
22 cell site did that serve off of?

23 A Once again, 893, sector one. 893, sector one, yes.

24 Q January 24, 2012, call 764, investor Cuthbertson, what
25 site that serve off?

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Orellana - direct - Lerer

417

1 A 893, sector one.

2 Q January 26, 2012, session 796, with the investor Zahler,
3 what cell site did that serve off of?

4 Am I blocking your view?

5 A That's all right.

6 Q I will come over here.

7 A 893, sector one.

8 Q January 26, 2012, session 816, Mr. Cuthbertson again,
9 what location did that call serve off of?

10 A 893, sector one.

11 Q February 2, 2012, session 961, with again
12 Mr. Cuthbertson, what location did that call serve off of?

13 A 893, sector one.

14 Q February 10, 2012, session 1049, with Mr. Cuthbertson,
15 what cell site did that call serve off of?

16 A 893, sector one.

17 Q February 13, 2012, session 1060, with Mr. Swanson again.
18 Now, that served off of two. Can you point out which two cell
19 sites?

20 A Correct. Call would have initiated on 892, sector three,
21 and would have terminated here on 893, sector one.

22 Q Can you tell the jury, why might a call start on one cell
23 site and be handed off to another cell site?

24 A Most of the time it's an indication of mobility. But --

25 Q When you say mobility, you mean the phone was moving?

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Orellana - direct - Lerer

418

1 It could be that the phone was moving?

2 In a car or otherwise moving?

3 A Correct. It could have been walking.

4 Or it could also be that at some point in time, it
5 saw one of its neighboring sites, as we call it, with a better
6 signal strength.

7 Q February 16, 2012, session 1146, Mr. Cuthbertson, which
8 cites did that serve off of?

9 A That call initiated on 893, sector six and once again it
10 terminated on 893, sector one.

11 Q February 17, 2012, session 1172, call with Zahler, what
12 cell site did that serve off of?

13 A 893, sector one.

14 Q February 23, 2012, session 1308, call with multiple
15 voices heard, what cell site did that serve off of?

16 A 893, sector one.

17 Q And the last record on Government Exhibit 20,
18 February 23, 2012, session 1317, a call to an answering
19 service, what cell site did that serve off of?

20 A 893, sector one.

21 Q Generally speaking, if a phone was located at
22 59 Genesee Avenue, what cell site would you expect it to serve
23 off of?

24 A 893, sector one.

25 MR. LERER: I have no further questions, Your Honor.

GR

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CSR

Orellana - cross - Gold

419

1 THE COURT: Mr. Gold, do you wish to inquire?

2 MR. GOLD: Very briefly, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. GOLD:

5 Q Good morning, sir.

6 A Good morning.

7 Q Just very briefly, you have been asked about a series of
8 phone calls on -- the one closest to me.

9 MR. LERER: Government Exhibit 20.

10 MR. GOLD: Sorry.

11 MR. LERER: 20.

12 MR. GOLD: Government Exhibit 20.

13 Thank you.

14 Q Asking you about specific calls that were placed on
15 specific dates and you testified as to the particular towers
16 that those calls were routed through; is that correct?

17 A Correct.

18 Q Do you know exactly where those calls emanated from?

19 A We know that they were served by the cell sites.

20 Q Right.

21 Do you have -- I'm sorry. I didn't mean to
22 interrupt you.

23 What was the end?

24 A Yes. Really, the answer is yes, we know that the phone
25 was served by a tower at a specific location, yes.

GR

OCR

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CRR

CSR

Orellana - cross - Gold

420

1 Q But do you know where specifically within the tower's
2 range that call was placed from?

3 A No.

4 Q So you have no way of knowing -- withdrawn.

5 What would be the radius within which the call would
6 have been placed relative to the tower that served it?

7 A So, as I was explaining, since this is a DAS site we
8 would expect it to be two to three city blocks around that
9 particular location.

10 Q But within that two to three block radius, you couldn't
11 pinpoint a specific address?

12 A No.

13 MR. GOLD: Okay. No further questions.

14 Thank you.

15 THE COURT: Anything further.

16 MR. LERER: No redirect.

17 Thank you. Thank you. You are excused. Thank you
18 very much.

19 THE WITNESS: All right. Thank you.

20 (Witness excused.)

21 (Continued on next page.)

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OCR

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CSR

1 MR. LERER: Your Honor, the next witness we had
2 discussed earlier this morning with the Court.

3 THE COURT: We are going to take a recess at this
4 point, about ten or 15 minutes. There are some legal issues
5 which I have to address which won't affect the jury at all.
6 So we will take a recess.

7 (The following occurred in the absence of the jury.)

8 THE COURT: Why don't you proceed? You are going to
9 play those tapes, aren't you?

10 MR. YAEGER: Yes, Your Honor, I am.

11 Your Honor, would like to hear the entire tape or
12 simply --

13 THE COURT: Those portions that you are going to
14 play.

15 MR. YAEGER: Yes, Your Honor.

16 THE COURT: The entire tape has been received in
17 evidence but only that portion that you are going to play is
18 what I am going to hear.

19 MR. YAEGER: Okay. This first tape, Your Honor, is
20 the call made by Mr. Moldrem, July 30, 2010. I anticipate
21 playing from the beginning of the tape to a minute and
22 16 seconds.

23 THE COURT: Mr. Gold, do you have some problem?

24 MR. GOLD: No. I just wanted to know the transcript
25 number. That's all.

1 MR. YAEGER: Oh.

2 MR. LERER: I will find it.

3 MR. YAEGER: It is in the Moldrem binder and in the
4 Moldrem binder they are arranged with tabs that indicate the
5 date. Because these are not wiretaps.

6 MR. GOLD: My mistake.

7 MR. LERER: Which one?

8 MR. YAEGER: 7/30.

9 MR. GOLD: Thank you.

10 MR. YAEGER: That's July 30th.

11 All right. I am starting from the beginning of the
12 tape, playing a minute and 16 seconds.

13 THE COURT: Hold on a minute until I find it.

14 What number are you playing?

15 MR. YAEGER: July 30th, Your Honor. It should be
16 the first tab.

17 THE COURT: 2010?

18 MR. YAEGER: Yes, Your Honor.

19 Do you have it, Mr. Gold?

20 MR. GOLD: Yes, I do.

21 Thank you.

22 MR. YAEGER: I will start the tape.

23 I don't hear the sound, Your Honor.

24 THE COURT: Neither do I.

25 MR. YAEGER: Hold on a moment. Sorry.

1 Start over, to be sure. Here it is.

2 (Tape plays; tape stops.)

3 THE COURT: Excuse me. Can you lower that?

4 MR. YAEGER: Yes.

5 THE COURT: Or can you eliminate the static?

6 MR. YAEGER: I don't know if I can eliminate it but
7 I will lower the volume which should make it a little less
8 distorted.

9 (Tape plays; tape stops.)

10 MR. YAEGER: That is all we are playing from that
11 call of July 30th.

12 Next I anticipate playing a selection from the
13 August 26th call. August 26, 2010 will be next the next tab
14 in the binder. I will be playing from the beginning to
15 approximately a minute 41 seconds in.

16 THE COURT: That's page one of seven, is it?

17 MR. YAEGER: Yes, Your Honor.

18 THE COURT: How far is it going?

19 MR. YAEGER: To the second page, the middle of the
20 page, right after Mr. Moldrem says, a hum.

21 THE COURT: Page two.

22 MR. YAEGER: Correct.

23 THE COURT: Go ahead.

24 (Tape plays; tape stops.)

25 MR. YAEGER: That is all that we anticipate playing

1 except for one more portion in that call, where I am skipping
2 to page five.

3 This is still August 26, 2010, skipping to page
4 five, starting at the top, right after Mr. Moldrem says right,
5 right. That's at 6 minutes 18 seconds and I will play until
6 six minutes and 44 seconds.

7 (Tape plays; tape stops.)

8 (Continued on next page.)

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1 MR. YAEGER: That is all that we anticipate playing
2 from the August 26, 2010 call.

3 Then we anticipate playing from the September 22
4 call, the next tab, from page one to the very top of page two.
5 Mr. Moldrem is a slow talker. It takes longer than there is
6 text. It will be about a minute and forty-two seconds.

7 (Tape plays.)

8 (Tape stops.)

9 MR. YAEGER: That's all we anticipate playing from
10 the September 22, 2010 call.

11 There is one other call, on September 28, and we
12 anticipate playing even just fifteen seconds. All that we
13 have put on the transcription is the first minute, mostly just
14 for the ease of the lawyers.

15 So, I anticipate playing basically through the third
16 line, "How are you? It's Andrew Black. How is everything?"

17 Let's play that.

18 (Tape plays.)

19 (Tape stops.)

20 MR. YAEGER: That's all we anticipate playing in
21 that call from September 28. That's the entirety of the tapes
22 we expect coming in from Mr. Moldrem.

23 MR. GOLD: Your Honor, might I be heard?

24 THE COURT: By all means.

25 MR. GOLD: Just a couple of brief comments about the

1 tapes. The Court has just heard them. They are obviously not
2 nearly, in terms of sound quality, anywhere close to what we
3 have been hearing. It introduces two more prospective aliases
4 that have nothing to do with any of the witnesses who have
5 testified concerning the charges that the jury will be
6 deliberating and returning a verdict upon.

7 One of the calls -- I'm sorry, I don't recall which
8 one -- is referring to a laundromat. As I understand it,
9 there was nothing illegal or illegitimate about that
10 investment regarding the expansion of a laundromat chain. And
11 in fact, later on in that call, which, if it were played, I
12 would certainly ask that more be played, because it indicates
13 Mr. Crivera is inviting Mr. Moldrem to come down to Florida,
14 visit with the owner of the laundromat and actually see the
15 site for himself.

16 In sum, your Honor -- and it's not just in terms of
17 time. The introduction of these tapes is going to involve a
18 lot more than simply hearing these tapes. There will be
19 explanations, there will be testimony elaborating upon what
20 these conversations meant.

21 Your Honor has seen how the witnesses have been
22 examined relative to the tapes -- the recordings that have
23 been played. There would be a reference by this witness to
24 yet more alleged aliases used by the defendant in deals, once
25 again that have been -- that are not charged in this current

1 amended indictment and that the jury will not be deliberating
2 upon.

3 In sum, we have had a multitude of so-called
4 victims, a multitude of recordings played. This would add
5 nothing but confusion, and it would be a distraction from the
6 charges before this jury, and it might even compel me to,
7 particularly as to the laundromat telephone call, to find and
8 call the owner of the laundromat and have him come up and
9 testify that this is in fact a legitimate deal.

10 THE COURT: Mr. Yaeger.

11 MR. YAEGER: Yes, your Honor.

12 First of all, Old Towne Funding has additional
13 importance beyond the identification of the defendant's voice,
14 Old Towne Funding and the laundry scheme, because in
15 Government's Exhibit 102, there is the word Old Towne Funding.
16 Government's Exhibit 102 was found in the defendant's trash.
17 It is an application of some kind, and it has the defendant's
18 name, birth, Social Security number, his mother's name and her
19 information, and on it, it lists the defendant's employer as
20 Old Towne Funding. So, it tends to show that the defendant is
21 the person on that phone call. That is one fact.

22 In addition, of course, we opened in reliance on the
23 Court's ruling, and this shows a common method, because one of
24 the things happening in these phone calls is that he talks
25 about giving good dividend payments, and you'll see it coming

1 in every month, building trust.

2 THE COURT: Before we go any further, your argument,
3 Mr. Gold, with all due respect, you're all misconceiving the
4 purpose of receiving these tapes in evidence at all. The only
5 purpose for which these tapes are receivable is the very
6 limited purpose of voice identification. By that I mean, the
7 only conceivable relevant purpose for receiving these tapes is
8 to identify the voice of Mr. Liounis as being Mr. Black or
9 whoever it is he's representing himself to be.

10 The tapes would be relevant for that purpose, and it
11 makes no difference whether the conversation that the tapes
12 reflect are conversations relating to other crimes or other
13 bad acts with which Mr. Liounis or whoever the defendant was
14 may have been associated with.

15 So, insofar as the laundromat or any other subject
16 that the tape is reflecting, whether it is or isn't
17 successfully completed or whether it was or wasn't is
18 irrelevant. The jury is not to consider that at all. It's
19 not being received for the purpose of propensity. The jury
20 will be given a very limited instruction.

21 The only purpose for which these tapes are being
22 received would be for the purpose of identifying the speaker
23 as being the defendant in this case, who is representing
24 himself as being whoever it is he's representing himself as
25 being on the tapes. That's all. Whether the transaction was

1 or wasn't successful or unsuccessful is irrelevant.

2 I would call your attention to -- I wrote on aliases
3 a long time ago in United States vs. Rucker. But you may want
4 to examine United States vs. Khorami. It's in
5 895 F.2d on page 1186, Seventh Circuit. It upheld the trial
6 court's admission of several recorded uncharged phone calls as
7 helping to establish that the defendant had made the phone
8 calls, despite his protestation that somebody else had made
9 them

10 That's the issue in this case. Mr. Liounis is
11 disputing the fact that he represented himself to be whoever
12 it is he represented himself to be.

13 Evidence with respect to all of that is admissible
14 for purposes of establishing the identity of the caller. In
15 United States versus Tibbetts, which is in 565 F.2d on page
16 867, the Fourth Circuit upheld the trial court's admission of
17 recording of a prior uncharged bomb threat for the purpose of
18 explaining how the defendant was identified.

19 United States vs. Evans, it's in 848 F.2d on page
20 132, it's a Fifth Circuit case in which the Fifth Circuit
21 upheld the district court's admission of identification
22 documents, the defendant's picture, and several different
23 names, explaining that evidence increased the likelihood of
24 who it was who was being depicted and who it was that was
25 being identified.

1 So, all of that, whether the transaction was or was
2 not a successful or legitimate one is completely besides the
3 point. It is being received for the purpose of voice
4 identification. If it was being received for any other
5 purpose, there would be a very serious question of
6 admissibility.

7 MR. GOLD: I appreciate everything your Honor has
8 said. And I would just alert the Court to the fact that what
9 the government has just told you goes far beyond just wanting
10 this testimony admitted for identification. They want to make
11 the argument that this is a common scheme and plan, that he's
12 using the same MO in terms of dividend promises, and all sorts
13 of substantive things going well beyond that the Santo Crivera
14 voice is the same. They want to explain the context and the
15 entire underpinning of what that conversation was about. So,
16 it is going exactly into the area that your Honor has just
17 described as problematic, and that's where my problem is.

18 THE COURT: Mr. Gold, I'm sure if you read 404(b), I
19 think you would find that 404(b) evidence would be admissible
20 for the purpose of showing bad acts to establish a scheme or a
21 plan, an identity or motive or intent, all of those things.

22 MR. GOLD: That is correct.

23 THE COURT: And my understanding is that these tapes
24 are being received not for the purpose of explaining prior
25 transactions, they are being received solely for the purpose

1 of identifying the caller on those tapes as being this
2 defendant.

3 MR. YAEGER: Correct, your Honor.

4 THE COURT: That's the purpose, for the purpose of
5 identifying or purporting to identify or trying to identify
6 the caller, the voice on that tapes, being the voice of
7 Mr. Liounis, and not going into the Rockford or GM IPO or all
8 other transactions.

9 MR. YAEGER: Yes, your Honor.

10 THE COURT: It's just voice, and the jury is going
11 to be told that that's the only purpose for which these tapes
12 are being identified.

13 MR. GOLD: So, Mr. Moldrem is not going to be
14 questioned about Old Towne Funding and all of these other
15 matters is my understanding. If that's the case, I don't have
16 a problem.

17 MR. YAEGER: We are not going to be getting into the
18 details of those schemes. The name Old Towne Funding appears
19 on the document. I care about the name.

20 In terms of common plan or method, I anticipate two
21 questions, maybe three, about dividend checks. In the
22 Rockford investment, did you get dividend checks? Yes.

23 Did you invest more after getting first dividends?
24 Yes.

25 So, how was the method in this Laundro Spin thing

1 different? No, it wasn't.

2 Done. That's basically it.

3 MR. GOLD: I assume that the witness lost a
4 considerable amount of money in these funds. It is going into
5 something more than just voice identification. It's going
6 into the area of suggesting that Rockford and UBS -- it's
7 going into the meat of those alleged frauds. So, it's not
8 limiting the testimony just for identification. That's my
9 point, your Honor.

10 THE COURT: Mr. Gold and Mr. Yaeger, the tapes are
11 being received for the purpose of identifying the voice on
12 those tapes.

13 MR. YAEGER: Yes.

14 THE COURT: What the tapes say, the content of the
15 tapes, you are not going to explore. You are exploring simply
16 who it was that made the telephone call, do you recognize the
17 voice on that telephone call as being whoever it is. Okay.

18 MR. GOLD: Thank you, your Honor.

19 Can I make one additional request? It will take an
20 additional thirty seconds of tape playing. But in the 826
21 tape -- if I can just show the government where they indicated
22 they wanted to stop, and what I would just request that they
23 play an additional thirty seconds.

24 MR. YAEGER: Which tape are you speaking of?

25 THE COURT: Which tape?

1 MR. GOLD: I'm sorry. Here it is. It's the
2 8-26-2010 conversation, which the government indicated they
3 want to start on page five, at the top of the page, where it
4 says, "Right, right."

5 MR. YAEGER: 8-26?

6 MR. GOLD: Page five of seven.

7 MR. YAEGER: Five of seven.

8 MR. GOLD: At the top of the page. It starts:

9 "MOLDREM: Right, right."

10 Does the Court have it?

11 THE COURT: Yes.

12 MR. GOLD: I believe the government wanted to stop
13 the recording after the third -- "Everything on time.
14 Everything Mr. Crivera said is on the money." A statement by
15 Mr. Crivera. I want it basically to go to the bottom of the
16 page.

17 MR. YAEGER: We don't object to that, if that's what
18 the defense requests.

19 THE COURT: All right.

20 MR. GOLD: Thank you.

21 MR. LERER: Your Honor, we were prohibited from
22 proving up content, so I assume Mr. Gold will not be
23 attempting to prove the truth of any additional portions that
24 he is playing, because this is for voice identification, and
25 no other purpose will be used on the defendant's portion, as

1 well.

2 MR. GOLD: As I understand the Court's ruling, there
3 will be no discussion of the content of this. Just for
4 completeness and fairness, I wanted that additional portion
5 played. I will not be making comment on it, pursuant to the
6 Court's ruling.

7 MR. LERER: You will not be presenting any other
8 testimony to confirm --

9 THE COURT: Excuse me. As far as completeness, the
10 entire tape can be played?

11 MR. GOLD: That is correct.

12 THE COURT: If it's a question of voice
13 identification, if that's what you want, they will play the
14 entire tape?

15 MR. GOLD: You are absolutely right. Right.

16 THE COURT: Is that what you want?

17 MR. GOLD: No. I'm asking for discrete portions, so
18 we don't belabor this any more than is necessary. If we're
19 going to have it played, which I objected to, I would ask that
20 this portion be played, and the government agrees. I'm not
21 arguing anything. I'm not calling any witnesses to address
22 the content, since that's not what the Court's ruling is
23 permitting.

24 THE COURT: All right.

25 Are we ready?

1 MR. YAEGER: I could use two or three minutes to
2 make sure that I have nothing in here that runs afoul of the
3 Court's order. I want to check and make certain. I do not
4 believe I do. I want to read through this and make sure I
5 have nothing.

6 THE COURT: All right. Please go ahead.

7 MR. GOLD: Thank you, your Honor.

8 THE COURT: Anything else?

9 MR. LERER: Not from the government, your Honor.

10 MR. GOLD: No, sir.

11 THE COURT: Tell me when you are ready.

12 And try and keep the volume down, so that the sound
13 is easier to hear.

14 (Pause.)

15 MR. YAEGER: We're ready, your Honor.

16 THE COURT: Ask the jury to come in, please.

17 (Jury present.)

18 THE COURT: Okay.

19 Call your next witness, please.

20 MR. YAEGER: The United States calls Edwin Moldrem.

21 E D W I N M O L D R E M,

22 having been duly sworn, was examined and

23 testified as follows:

24 THE CLERK: State your name and spell it for the
25 record.

1 THE WITNESS: Edwin Moldrem, E D W I N,
2 M O L D R E M.

3 THE COURT: Proceed.

4 DIRECT EXAMINATION

5 BY MR. YAEGER:

6 Q Good morning, Mr. Moldrem.

7 A Good morning.

8 Q Where do you live?

9 A Paso Robles, California.

10 Q Are you married?

11 A No.

12 Q Do you have any children?

13 A I have three girls.

14 Q What are their ages?

15 A Twins are thirty-two, and my oldest is thirty-five.

16 Q What's your profession, sir?

17 A I'm retired, but I was a waste water superintendent for
18 the state, of Paso Robles.

19 Q Did there come a time when you invested with a company
20 called Rockford?

21 A I did.

22 Q Approximately when did you first invest?

23 A March of 2009.

24 Q What was the name of the person that you dealt with at
25 Rockford?

1 A James Weston.

2 Q How many times did you speak to the man who called
3 himself James Weston?

4 A Probably a couple of times a weeks.

5 Q Over what time period, sir?

6 A From March until December, first part of December of
7 2009.

8 Q Why did you stop talking to Mr. Weston?

9 A Well, I stopped receiving my dividends, and I was calling
10 his office, and all I was getting was busy signals.

11 Q Did you ever reach him again?

12 A He actually had a cell phone that he -- I left a message,
13 and he did call me back, and said everything was fine and that
14 I would be getting my dividends again.

15 Q After that, did you not speak to him again?

16 A No, I did not.

17 Q Did there ever come a time when you again heard the voice
18 of the man who called himself James Weston?

19 A Yes, I did.

20 Q Approximately when was that?

21 A July of 2010.

22 Q When you spoke to him that time, what name did he
23 identify himself by?

24 A Santo Crivera.

25 Q Can you spell Crivera, please?

1 A C R I V E R A.

2 Q Did you recognize him when he called?

3 A Yes, I did.

4 Q Did there ever come a time when you came in contact with
5 the U.S. Postal Inspection Service?

6 A Yes.

7 Q Who did you speak to at the U.S. Postal Inspection
8 Service?

9 A I was referred by John Larson from the SEC to Michelle
10 Purnavel of the Postal Inspection Service.

11 Q After speaking to Ms. Purnavel, did you record any phone
12 calls?

13 A Yes, I did.

14 Q Do you have with you, sir, a Redweld up there?

15 A Yes.

16 Q Does it contain two disks?

17 A Hmm.

18 Q If you could look, please, sir, at what is marked for
19 identification as Government's Exhibit 86.

20 A I have it here.

21 Q Do you recognize that disk?

22 A Yes, I do.

23 Q Have you listened to it?

24 A Yes, I have.

25 Q Are those your initials written on Government's Exhibit

1 86?

2 A Yes, they are.

3 Q You wrote them yourself?

4 A I did.

5 Q Do the recordings on Government's Exhibit 86 accurately
6 reflect two conversations between you and the man who called
7 himself Santo Crivera on or about July 30, 2010 and August 26,
8 2010?

9 A They do, yes.

10 Q Who recorded those conversations?

11 A I did.

12 MR. YAEGER: The government offers Exhibit 86.

13 MR. GOLD: No objection.

14 THE COURT: Received.

15 (So marked.)

16 THE COURT: Excuse me.

17 A tape-recording will be played, as you just heard
18 Mr. Yaeger make reference to. That recording is being
19 received for a very limited purpose. It is not being received
20 for the purpose of establishing propensity of Mr. Liounis, the
21 defendant, to behave in a particular way. It's not being
22 offered or received for the purpose of proving character. It
23 is being received solely for the limited purpose of
24 identifying a voice. The government is claiming that the
25 voice on that tape is the voice of this defendant. He

1 disputed and is disputing that it is his voice on that tape.

2 The tape is being received only for that limited
3 purpose, and not for any other purpose, not for the purpose of
4 establishing that this defendant had a propensity to behave or
5 act in a particular way.

6 Is that clear? It is being received just for the
7 limited purpose of voice identification. Okay?

8 Go on.

9 BY MR. YAEGER:

10 Q Mr. Moldrem, I just handed you a binder which has
11 transcripts of these calls. They are behind the blue tab in
12 your name. For the jury, I will spell it: M O L D R E M.

13 THE COURT: Do you all have it?

14 Is there anybody on the jury who doesn't have it
15 yet?

16 All right. Go ahead.

17 MR. YAEGER: We will start with the first call in
18 the binder, under that Moldrem tab, is the call for July 30,
19 2010.

20 (Tape plays.)

21 (Tape stops.)

22 BY MR. YAEGER:

23 Q Do you recognize the two voices on this record,
24 Mr. Moldrem?

25 A Yes, I do.

1 Q Who were the two people speaking?

2 A Myself and Santo Crivera and James Weston.

3 MR. YAEGER: Let's start the tape back up again
4 where I stopped at thirty-one seconds in, the July 30, 2010
5 call.

6 (Tape plays.)

7 (Tape stops.)

8 BY MR. YAEGER:

9 Q After that phone call, Mr. Moldrem, did you receive
10 another phone call from the man who called himself Santo
11 Crivera?

12 A Yes, I did.

13 Q I would like you to turn now to the next tab in your
14 binder for August 26, 2010.

15 MR. YAEGER: I'm going to start at the beginning.

16 (Tape plays.)

17 (Tape stops.)

18 Q Mr. Moldrem, do you recognize the two voices on this
19 recording?

20 A Yes, I do.

21 Q Who were the two people speaking?

22 A Myself and Santo Crivera.

23 Q And this man who calls himself Santo Crivera, what was
24 the name you heard him use before?

25 A James Weston.

1 MR. YAEGER: I'm going to jump ahead to another part
2 of that same transcript. We're going to page five of the
3 transcript, at the top, and I'll be starting at six minutes
4 and eighteen seconds.

5 (Tape plays.)

6 (Tape stops.)

7 Q Mr. Moldrem, you testified earlier that you did in fact
8 invest with this man when he called himself James Weston;
9 correct?

10 A Yes.

11 Q Did you invest in Old Towne Funding when he calls himself
12 Santo Crivera?

13 A No.

14 Q After that call on August 26, 2010, did you ever hear
15 this same voice using yet another name?

16 A Yes, I did.

17 Q What name was that, sir?

18 A Andrew Black with the United Bank of Switzerland.

19 Q Approximately when did this same voice call up as Andrew
20 Black of UBS?

21 A September of 2010.

22 Q And he tried to sell you part of an IPO in General
23 Motors?

24 A Yes.

25 Q If you could turn now to the next transcript in the

1 binder for September 22, 2010. I'll be starting at the
2 beginning.

3 (Tape plays.)

4 (Tape stops.)

5 MR. YAEGER: My apologies. I think I missed a step
6 here.

7 Q Sir, I want you to take a look at Government's Exhibit
8 87.

9 A Okay.

10 Q Do you recognize that disk?

11 A Yes, I do.

12 Q And you've listened to it?

13 A Yes.

14 Q And you wrote your initials on it?

15 A I did.

16 Q Does the recording on that disk accurately reflect two
17 conversations between you and the man who called himself
18 Andrew Black on or about September 22 and September 28, 2010?

19 A It does.

20 Q And you recorded those conversations?

21 A I did.

22 MR. YAEGER: The government offers 87.

23 MR. GOLD: No objection.

24 THE COURT: Received.

25 (So marked.)

1 MR. YAEGER: All right. We'll go back to playing
2 September 22, 2010.

3 (Tape plays.)

4 (Tape stops.)

5 Q Now, do you recognize the two voices on this tape?

6 A Yes, I do.

7 Q Who are they?

8 A Myself and Andrew Black and Santo Crivera and James
9 Weston.

10 Q At the beginning of this tape, the one for September 22,
11 2010, to your ear, was there anything a little different about
12 the voice of the man you were speaking to?

13 A He sounded like he was trying to disguise his voice as a
14 Southern gentleman or something, Colonel Sanders.

15 Q By the end of that recording, did the Colonel Sanders
16 accent go away?

17 A Yes, I went back to his normal voice.

18 Q If you could turn to the next recording for September 28,
19 2010.

20 (Tape plays.)

21 (Tape stops.)

22 Q Was that the last conversation you had with Mr. Black?

23 A No.

24 Q How many more conversations did you have after that?

25 A We had several, until I told him I was going to invest,

1 and he sent me an investment packet.

2 THE COURT: Excuse me, Mr. Yaeger --

3 MR. YAEGER: I'm trying to end. I apologize.

4 Q Did you invest in that offer or not?

5 A I didn't, but I told him I was.

6 Q So, you invested with that voice under the name of James
7 Weston?

8 A I did.

9 Q But you didn't invest with that name under any other
10 voice; correct?

11 A Correct.

12 MR. YAEGER: No further questions at this time, your
13 Honor.

14 THE COURT: Mr. Gold.

15 MR. GOLD: No questions, your Honor.

16 THE COURT: Thank you. You are excused.

17 (Witness excused.)

18 THE COURT: Call your next witness, please.

19 MR. YAEGER: At this time, your Honor, we would like
20 to read three stipulations to the jury.

21 THE COURT: Bear in mind the limiting instruction I
22 gave you earlier. Those tapes were received only for the
23 purpose of voice identification, not for the content of what
24 was contained on those tapes.

25 Sometimes evidence is received for a very limited

1 purpose, and it was received for that limited purpose only.

2 Now, you are about to hear a stipulation. You
3 remember I told you when we started that evidence comes in
4 three forms. It will come from the sworn testimony of
5 witnesses. It will come from exhibits. We've had a lot of
6 both thus far. And now, you're going to hear a stipulation.

7 You remember I told you that sometimes when parties
8 do not dispute the existence of a fact, they will agree to
9 whatever it is they are going to recite is the fact upon which
10 they have agreed. It saves the time of calling the witness to
11 come in and testify and lay the appropriate foundation.

12 So, the parties have agreed to whatever the fact is
13 that Mr. Yaeger is going to read to you now.

14 MR. YAEGER: Thank you, your Honor.

15 I have three stipulations. The first one, which is
16 marked S-1: "It is hereby stipulated and agreed by and
17 between the United States and the defendant Peter Liounis by
18 their respective attorneys, that: One. Irina Yarova, 1204
19 Avenue U, Apartment 1059, Brooklyn, New York has never been a
20 customer of DirecTV;

21 "Two. DirecTV has never provided service to anyone
22 at 1204 Avenue U, Apartment 1059, Brooklyn, New York.

23 "Three. The account number 8100" --

24 THE COURT: Use the microphone, please.

25 MR. YAEGER: I will read from here. I have read

1 numbers one and two. Now, I'm going to read number three:

2 "Three. Account number 81000717 on the purchase
3 DirecTV bill included in Government's Exhibit 44 belongs to
4 Ana Figueroa at 1215 74th Street, not 1204 Avenue U.

5 Four. The bill included in Government's Exhibit 44
6 is not a real DirecTV bill."

7 And it is signed by the parties' attorneys.

8 I will now read Stipulation S-2: "It is hereby
9 stipulated and agreed by and between the undersigned parties
10 that:

11 "1. On July 28, 2010, Ronald Cuthbertson sent the
12 account application, direct deposit authorization form and
13 fixed-income contract in Government's Exhibit 27 via Federal
14 Express from Canada to Grayson Hewitt at 1204 Avenue U,
15 Suite 1059, Brooklyn, New York." And it is signed by the
16 parties' attorneys

17 The last stipulation I will simply read, it is S-3,
18 also identified as Government's Exhibit 200: "It is hereby
19 stipulated and agreed by and between the United States and the
20 defendant Peter Liounis, by their respective attorneys, that:

21 "1. The voices recorded on Government's Exhibit 67
22 are those of Peter Liounis and Santo Crivera."

23 And it is signed by the parties' attorneys.

24 At this time, your Honor, I would like to move S-1,
25 S-2 and S-3, along with Government's Exhibit 67, the phone

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1 call referred to in S-3, into evidence.

2 MR. GOLD: No objection.

3 THE COURT: Received.

4 (So marked.)

5 MR. YAEGER: At this time, the United States is
6 ready to call its next witness. We call Inspector Michelle
7 Purnavel.

8 M I C H E L L E P U R N A V E L,

9 having been duly sworn, was examined and

10 testified as follows:

11 THE CLERK: State your name and spell it, please.

12 THE WITNESS: Michelle Purnavel, M I C H E L L E,
13 P U R N A V E L.

14

15 THE COURT: Proceed, please, Mr. Yaeger.

16 MR. YAEGER: Yes, your Honor.

17 DIRECT EXAMINATION

18 BY MR. YAEGER:

19 Q Ms. Purnavel, where do you work?

20 A I work for the United States Postal Inspection Service.

21 Q What is your title?

22 A I'm an United States Postal Inspector.

23 Q How many years have you been a U.S. postal Inspector?

24 A Approximately ten and a half years.

25 Q What is your current assignment?

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1 A I am assigned to the Eastern District of New York Mail
2 Fraud Team.

3 Q What kind of cases do you investigate on the Mail Fraud
4 Team?

5 A I investigate any crimes that use the U.S. mail in
6 furtherance of a scheme, such as Ponzi schemes, investment
7 schemes, mortgage fraud, insurance fraud, things of that
8 nature.

9 Q Are you the case agent on Peter Liounis's case?

10 A I am.

11 Q Are you familiar with the defendant's voice?

12 A Yes, I am.

13 Q Have you heard him speak in court appearances?

14 A Yes, I have.

15 Q Approximately how many times?

16 A Approximately five, six times.

17 Q Okay. I will now play for you a portion of the phone
18 call admitted as Government's Exhibit 67?

19 MR. YAEGER: I am playing from Government's Exhibit
20 67 -- I should say before this, for the jury, we do not have a
21 transcript of this call in the binder, and so I just ask that
22 the jury listen closely.

23 Okay. The clip that I am playing, Inspector
24 Purnavel, is from a minute and thirteen seconds in to a minute
25 and twenty in in Government's Exhibit 67.

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1 (Tape plays.)

2 (Tape stops.)

3 Q Whose voice is that, Inspector Purnavel?

4 A Peter Liounis's.

5 MR. YAEGER: I'm going to play two short audio clips
6 from the two wiretaps, Government's Exhibit 114. The first
7 clip I'm going to play is from the defendant's personal phone,
8 he's the named subscriber. The second is a clip from the Mark
9 Anderson wiretap.

10 Here is the defendant's personal phone.

11 THE COURT: Is there a transcript of that tape at
12 all?

13 MR. YAEGER: There is a transcript. This is under
14 the comparison tab in the binder, if people wish to look at
15 the transcript. Of course, they could also just listen along.
16 The comparison tab, I believe, is at the very back of the
17 binder. And this is C, comparison C.

18 Okay. So, again, here is the defendant's personal
19 phone.

20 (Tape plays.)

21 (Tape stops.)

22 THE COURT: I don't hear that at all.

23 MR. YAEGER: I will turn up the volume and try it
24 one more time. The defendant's personal phone.

25 (Tape plays.)

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1 (Tape stops.)

2 MR. YAEGER: Now, the Anderson phone call.

3 (Tape stops.)

4 (Tape stops.)

5 BY MR. YAEGER:

6 Q Do you recognize the voices on those two clips, Ms.

7 Purnavel?

8 A Yes, I do.

9 Q Is it the same man?

10 A Yes, it is.

11 Q Who is that man?

12 A Peter Liounis.

13 Q To your knowledge, is there a real person named Santo
14 Crivera?

15 A Yes, there is.

16 Q How do you know that?

17 A I have met him and I have spoken to him.

18 Q Where did you meet and speak to the real Santo Crivera?

19 A He attended one of Peter Liounis's court appearances.

20 Q Approximately when was that appearance?

21 A Approximately April of 2012.

22 Q Have you seen Mr. Crivera at any other time, as well?

23 A I have.

24 Q How?

25 A I have observed him on numerous surveillances.

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1 Q Surveillances of what property?

2 A Of 59 Genesee Avenue.

3 Q Back at the defendant's court appearance in April of
4 2012, for approximately how long did you speak to
5 Mr. Crivera?

6 A Approximately five to ten minutes.

7 Q Does the real Santo Crivera sound similar to Mr. Liounis
8 or different?

9 A Different.

10 MR. YAEGER: I'm going to return to Government's
11 Exhibit 67 in evidence, the phone call stipulated to by the
12 parties. I will be playing a clip that stretches from
13 forty-five seconds into the recording to a minute and forty
14 seconds into the recording. I don't think we have a
15 transcript of this one. Please just listen to this recording.

16 (Tape plays.)

17 (Tape stops.)

18 (Continued on next page.)
19
20
21
22
23
24
25

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1 BY MR. YAEGER: (Continued)

2 Q How many voices were on that recording that is Government
3 Exhibit 67, Ms. Purnavel?

4 A Two.

5 Q Have you heard both of those voices before today?

6 A I have.

7 Q Who are they?

8 A Peter Liounis and Santo Crivera.

9 Q I will play you a shorter selection of clips inside that
10 same clip, the first from Government 67 as well stretches from
11 1 minute 9 seconds to 1 minute 13 seconds.

12 (Audio played.) (Audio stopped.)

13 Q Who is that?

14 A Santo Crivera.

15 Q Now I'm going to play you another clip which is a smaller
16 part of the bigger one from Government Exhibit 67 and this one
17 stretches from 1 minute 13 seconds to 1 minute 20 seconds.

18 (Audio played.) (Audio stopped.)

19 Q Who is that?

20 A Peter Liounis.

21 Q Okay. I am now going to play for you a selection from
22 Government Exhibit 86. This is a phone call between
23 Mr. Moldrem and the man who told Mr. Moldrem he was Santo
24 Crivera. The date of this call is August 26, 2010. The
25 selection I'll be playing stretches from the beginning to

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1 1 minute and 46 seconds in. I am going to put on the document
2 viewer the transcript of the relevant portion.

3 (Audio played.) (Audio stopped.)

4 Q The voice that said, It's Santo, is that the real Santo
5 Crivera?

6 A No, it is not.

7 Q Who is it?

8 A It's Peter Liounis.

9 Q All right. Starting back up in the same clip.

10 (Audio played.) (Audio stopped.)

11 Q Ms. Purnavel, have you been to 242 Connecticut Street?

12 A Yes, I have.

13 Q Who lived there?

14 A Santo Crivera.

15 Q Did Peter Liounis live there?

16 A No.

17 Q I'm going to start the tape back up starting back a
18 sentence or two.

19 (Audio played.) (Audio stopped.)

20 Q Does the real Santo Crivera have triplets?

21 MR. GOLD: Your Honor, may we approach for a side
22 bar, please?

23 THE COURT: Yes.

24 (Continued on next page.)

25

Side Bar

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1 (The following occurred at side bar.)

2 MR. GOLD: Your Honor, I'm objecting to all of these
3 questions.

4 THE COURT: Sustained.

5 MR. GOLD: Thank you.

6 THE COURT: Move on. Mr. Yaeger and Mr. Lerer.

7 MR. LERER: Yes, sir.

8 THE COURT: Justice prevails or the government wins
9 when justice prevails. Do you understand that?

10 MR. YAEGER: Very much so.

11 THE COURT: Okay. And you --

12 MR. YAEGER: Sorry, Your Honor.

13 THE COURT: Mr. Yaeger, you are going to have to
14 learn a little bit about appropriate behavior in a courtroom
15 and just basic courtesy. Do you understand that?

16 MR. YAEGER: Yes, Your Honor.

17 THE COURT: Go ahead. Continue.

18 (Side bar ends.)

19 (Continued on next page.)

20

21

22

23

24

25

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1 (In open court.)

2 BY MR. YAEGER:

3 Q Let me direct your attention, Ms. Purnavel, to the
4 residence located at 59 Genesee in Staten Island.

5 Did you ever conduct surveillance at that location?

6 A Yes, I did.

7 Q Who lived at 59 Genesee between October 2011 and
8 March 2012?

9 A Peter Liounis, Scott Paccione and an unidentified male.

10 Q Did you eventually identify the male who lived there?

11 A Yes.

12 Q What is his name?

13 A Mike Slali.

14 Q How did you first identify him? How did you first put a
15 name to a face?

16 A A search warrant was conducted at 59 Genesee and Mike
17 Slali was present.

18 Q Approximately when was that search warrant conducted,
19 that search executed?

20 A Approximately April 18, 2012.

21 Q Did there come a time when you took steps to compare Mike
22 Slali's voice to the voice calling himself Mark Anderson on
23 the wiretaps?

24 A Yes.

25 Q What was the first thing you did to find Mr. Slali?

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1 A We obtained information from Welfare pertaining to
2 purchases that Mr. Slali was making with his Welfare benefit
3 card and once we obtained that information, then we started
4 doing surveillance in the area that he was making purchases.

5 Q Where was he buying things?

6 A In Brooklyn, New York.

7 Q Was there any reason that Mr. Slali was particularly hard
8 to find?

9 MR. GOLD: Objection, Your Honor.

10 THE COURT: Sustained.

11 Q Did you locate Mr. Slali's house or home?

12 A We did not locate him in a house or a home, no.

13 Q Where did you find him?

14 A Sleeping in a hallway.

15 Q Did you interview Mr. Slali?

16 A Yes.

17 Q Who conducted the interview?

18 A Myself and Homeland Security Agent Rich DeLisio.

19 Q For approximately how long did you speak to Mr. Slali?

20 A Approximately 15 to 20 minutes.

21 Q Did you record that entire conversation you had?

22 A Not the entire conversation, no.

23 Q Approximately how much time did you record if you can
24 recall?

25 A Approximately five minutes or so.

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1 Q And where did this interview take place?

2 A In a diner in Brooklyn.

3 Q If you could look inside your Redweld, please,
4 Ms. Purnavel.

5 Do you see there a disc marked Government
6 Exhibit 111?

7 A I do.

8 Q Do you recognize it?

9 A Yes.

10 Q What is it?

11 A This is a copy of the interview that we had with
12 Mr. Slali.

13 Q Does it accurately depict the recorded, the portion of
14 the interview that you recorded?

15 A Yes.

16 MR. YAEGER: The government offers Exhibit 111.

17 THE COURT: Hearing no objection, I will receive it.

18 MR. GOLD: Your Honor, may we just approach for a
19 moment? Sorry.

20 (Continued on next page.)

21

22

23

24

25

1 (The following occurred at side bar.)

2 MR. GOLD: Your Honor, my objection is as follows.
3 I was unaware that this tape was coming in through this
4 witness or I would have raised it earlier.

5 There are references on the tape that are about to
6 be played. It's a conversation between Mr. Slali and the
7 agents in which he's talking about being homeless and things
8 of that nature. I don't think that his living status or,
9 which will undoubtedly lead to the inference that he couldn't
10 have been involved in this scheme, if he's out living on the
11 streets and he's homeless, therefore, it's not him that was
12 sent these various packages, et cetera, et cetera, and he was
13 unconnected to this scheme.

14 So, my concern is that by allowing, allowing
15 references to his status as a homeless person, that it will
16 unfairly lead to a substantive inference as opposed to just a
17 voice identification which is, again, for the purpose of its
18 admissibility. So what my request would be is that if we
19 could just move on and perhaps during the lunch hour or the
20 next break, a segment can be played where there's no
21 references whatsoever to Mr. Slali's status as a homeless
22 person, where there can only be nondescript and just
23 irrelevant type conversation from which the agent can draw the
24 conclusion whose voice is whose.

25 THE COURT: What is it being offered for?

Side Bar

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1 MR. YAEGER: Well, it is being offered, in part,
2 because of Mr. Gold's opening when he implied that Mr. Slali
3 was, in fact, Mark Anderson. So one part of it is identifying
4 his voice.

5 MR. GOLD: Which I'm not objecting to.

6 MR. YAEGER: And I cannot recall if on this recorded
7 portion it mentions that he's homeless. I don't believe it
8 does, but I cannot recall if in the portion I'm playing it
9 does, but in any event, we are allowed to rebut the suggestion
10 that this other man is the real criminal and, in fact, things
11 about his life, where he lives, what he did at the time, are
12 very relevant to that.

13 MR. GOLD: I'm sorry, I didn't mean to interrupt.

14 THE COURT: No, go ahead.

15 MR. GOLD: This is a hearsay tape. If it's being
16 offered to allow the inferences, the substantive inferences
17 that Mr. Yaeger has just referenced, basically it's being
18 introduced in evidence without me having an opportunity to
19 cross-examine and test the credibility of that information.

20 I understood that the tape was being offered for
21 purposes of identifying Mr. Slali's voice and having it then
22 shown to the jury that it's not the same. If they want to
23 inquire of Mr. Slali what his participation or lack of
24 participation in this scheme was, then he should be called as
25 a witness. This shouldn't be introduced through a tape with

CMH

OCR

RMR

CRR

FCRR

Side Bar

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1 an interview, through an interview, rather, with an agent.

2 THE COURT: In the first place, it is not hearsay if
3 Mr. Slali is saying he is homeless. It is not hearsay.

4 MR. GOLD: Well, if he's here and saying it --

5 THE COURT: Excuse me.

6 MR. GOLD: Sorry.

7 THE COURT: Okay. I recall references in the
8 opening statement to Slali and I have no clear recollection of
9 what the references to Slali were.

10 Is there some other witness you can call now or
11 proceed somewhere further with this witness and we can clear
12 that up a little bit later?

13 MR. YAEGER: I could, Your Honor, but I also think I
14 might be able to allay concerns by showing the portions I am
15 playing.

16 THE COURT: Tell me what it is.

17 MR. YAEGER: It says first from the Special Agent:
18 Okay, what are you doing for, are you working right now?

19 Slali: Well, if something comes in, I'm going to go
20 to work.

21 DeLisio: Okay. What's your background? What have
22 you done, you know, for your career?

23 Slali: I remodeled houses and done painting.

24 DeLisio: Okay, before that, what did you do, did
25 you work anywhere else before contracting?

CMH

OCR

RMR

CRR

FCRR

Side Bar

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1 Slali: Oh, uh --

2 DeLisio: Did you work on ships?

3 Yeah, yeah, dredging.

4 What did you do?

5 I was on a barge.

6 THE COURT: What is the purpose of this testimony?

7 What is the purpose of this?

8 MR. YAEGER: His voice, that it's not the voice
9 there and I tried to pick an innocuous portion.

10 THE COURT: So this is being offered for the purpose
11 of establishing that the voice of Slali is not the voice of
12 Mark Anderson, is that it?

13 MR. YAEGER: Yes.

14 THE COURT: That is the only purpose it is being
15 offered for?

16 MR. YAEGER: Yes.

17 THE COURT: Okay. Fine.

18 Anything further?

19 MR. GOLD: No.

20 THE COURT: You have no objection to that?

21 MR. GOLD: To that I don't.

22 THE COURT: Thank you very much.

23 (Government Exhibit 111 so marked.)

24 (Side bar ends.)

25 (Continued on next page.)

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1 (In open court.)

2 THE COURT: All right. Please proceed, Mr. Yaeger.

3 MR. YAEGER: Thank you, Your Honor.

4 BY MR. YAEGER:

5 Q So I am now going to play for you a portion of Government
6 Exhibit 111 in evidence. The clip stretches from
7 approximately 2 minutes and 12 seconds to 2 minutes and
8 50 seconds.

9 THE COURT: Is there a transcript in this binder
10 that is the transcript of what you are playing?

11 MR. YAEGER: Yes, it is in the binder. It is behind
12 the tab marked --

13 THE COURT: Slali?

14 MR. YAEGER: Slali.

15 THE COURT: Marked Slali, is that it?

16 MR. YAEGER: Yes, spelled S-L-A-L-I.

17 THE COURT: It is right in front of the comparisons
18 tabs.

19 MR. YAEGER: Thank you, Your Honor.

20 THE COURT: This is being received for the purpose
21 of attempting to establish that the voice of Slali is not the
22 voice of Mark Anderson. Voice identification. Go on.

23 Q All right. We're starting from the second page. It is
24 not numbered. It is the second page behind the tab in the
25 middle of the second page where it says, SA DeLisio: Okay,

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1 um, what are you doing for, are you working right now?

2 (Audio played.) (Audio stopped.)

3 Q Who is the man speaking about the barge?

4 A That's Mike Slali.

5 Q Who is the man asking questions?

6 A Homeland Security Agent Rich DeLisio.

7 Q Does Mr. Slali sound like Mark Anderson on the wiretaps?

8 A No, he does not.

9 Q Now, between October 2011 and March 2012, did you inspect
10 trash taken from outside of 59 Genesee?

11 A Yes, I did.

12 Q What was the process? How did that work?

13 A I would go to the Department of Sanitation and set up
14 that they were going to pick up the trash that morning. They
15 would give us a roundabout time that they were going to get to
16 the residence. We would then go and do surveillance at the
17 residence until the trash collectors got there. They would
18 pick up the trash which we observed, then they would call us,
19 meet us around the block and hand the trash over to us.

20 Q Were you physically present when the trash was taken out?

21 A I was.

22 Q By that, I mean picked up by the trash collectors?

23 A Correct.

24 Q After you were handed the trash from the collectors,
25 where did you bring it?

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1 A We would go to a nearby Post Office and go through the
2 trash.

3 Q Did there ever come a time when you found an Express Mail
4 label in the trash?

5 A Yes.

6 Q Approximately when was that?

7 A Approximately February 2012.

8 Q At the beginning of February or the end?

9 A The end of February.

10 Q What did you do when you found that express mail label in
11 the trash?

12 A I then went to the Post Office to review their records
13 and pull out any other Express Mail labels for packages that
14 were delivered at 59 Genesee.

15 Q If you could turn now, please, to Government Exhibit 69
16 in your binder. Do you have it?

17 A I do.

18 Q Do you recognize it?

19 A Yes.

20 Q What is it?

21 A These are copies of Express Mail labels of packages that
22 were delivered to 59 Genesee.

23 Q How did you obtain the various labels that are here in
24 Government Exhibit 69?

25 A I went to the Post Office, reviewed their labels and I

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1 took them.

2 Q And are some of these also from the trash?

3 A Correct.

4 Q What Post Office did you get the labels from that weren't
5 in the trash?

6 A New Dorp station.

7 Q Why New Dorp station?

8 A That is the station that covers Mr. Liounis's area.

9 Q Is Dorp spelled D-O-R-P?

10 A Correct.

11 Q Is it a regular practice of the Post Office to save
12 Express Mail labels for a short period of time after they are
13 sent?

14 A Yes, it is.

15 MR. YAEGER: The government offers Exhibit 69.

16 MR. GOLD: No objection.

17 THE COURT: Received.

18 (So marked.)

19 (Exhibit published.)

20 Q See the first page?

21 A Yes.

22 Q The top label, please, what is the first name as sender
23 of the package?

24 A Alex.

25 Q Who is the recipient?

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1 A Mike Sfolli.

2 Q What is the address listed beneath Mr. Sfolli?

3 A 59 Genesee, Staten Island, New York 10308.

4 Q What phone number is above the name Mr. Sfolli?

5 A 718-290-5967.

6 Q Do you recognize that phone number?

7 A I do.

8 Q Why?

9 A When we arrested Mr. Liounis, he had a cell phone on him
10 bearing that number.

11 Q How do you know that the phone number that Mr. Liounis
12 had on him at that time -- how do you know that the phone
13 Mr. Liounis had on him at that time, in fact, had this phone
14 number here on Government Exhibit 69?

15 A He told us.

16 Q Who is he?

17 A Mr. Liounis.

18 Q What is the full name listed here for the first, the
19 person sending this first package?

20 A Alex James.

21 Q How many of these labels claimed to be sent by Mr. James,
22 Mr. Alex James?

23 A Four.

24 Q What address is listed here on the first Alex James
25 label?

Purnave1 - direct - Yaeger

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1 A 1560 East 15th Street, Brooklyn 11229.

2 Q And here on this second label, another one which says it
3 was sent by Alex James, what is the address listed for
4 Mr. James here?

5 A 1147 East 16th Street, Brooklyn, New York 11229.

6 Q Is that different from the first label?

7 A Yes.

8 Q Turning to the second page of Government Exhibit 69, the
9 top of the page, another package, the sender is listed as Alex
10 James. What is the address here for Alex on this label that I
11 am pointing to right now?

12 (Exhibit published.)

13 A 345 East 37th Street, New York, New York 10016.

14 Q Is that different from the first two addresses on the
15 first page?

16 A It is.

17 Q And now on the third and final page of Government
18 Exhibit 69, looking at the label on the bottom, so the third
19 page of Government Exhibit 69, the label on the bottom, is
20 this the fourth label which claims to have been sent by Alex
21 James?

22 (Exhibit published.)

23 A Yes.

24 Q What's the address for Alex on this one?

25 A 1801 Avenue U, Brooklyn, New York 11229.

Purnavel - direct - Yaeger

469

1 Q Is that fourth address different from the first three?

2 A Yes, it is.

3 Q Did you ever find records of an Alex James living at any
4 of those addresses?

5 A No, we did not.

6 Q Let me go back to Government Exhibit 69, the last page,
7 last label that I was just showing you.

8 (Exhibit published.)

9 Q Now, what is the date of delivery here for this package?

10 A February 22nd.

11 Q Who is this package addressed to?

12 A Mike Solli.

13 Q And all of these packages are addressed to some version
14 of the name Slali?

15 A Correct.

16 Q What is the label here on this -- what is the label
17 number on this last label of Government Exhibit 69?

18 A EI523141787US.

19 Q How was the postage purchased for this particular label,
20 Ms. Purnavel?

21 A The postage for this package was purchased at an APC, an
22 Automated Postal Center machine.

23 Q Is that -- okay.

24 How do you know that this label was in fact
25 purchased in an APC machine?

Purnavel - direct - Yaeger

470

1 A We researched Postal Service databases to obtain that
2 information.

3 THE COURT: What does APC stand for?

4 THE WITNESS: Automated Postal Center.

5 Q If you could turn now in your stack of documents, please,
6 to Government Exhibit 70, 7-0.

7 Do you have it?

8 A I do.

9 Q Are there two photographs here in Government Exhibit 70?

10 A Yes.

11 Q Do you recognize them?

12 A I do.

13 Q How did you obtain the documents, the photos that are
14 Government Exhibit 70?

15 A Again, we researched Postal Service databases.

16 Q Is it a regular practice of the APC machine to take a
17 picture of the person buying postage?

18 A Yes, it is.

19 Q Is it a regular practice of the Post Office to save
20 copies of the pictures taken by the APC machine?

21 A Yes, for a certain amount of time.

22 MR. YAEGER: The government offers Exhibit 70.

23 MR. GOLD: No objection.

24 THE COURT: Received.

25 (So marked.)

Purnavel - direct - Yaeger

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1 (Exhibit published.)

2 Q So I'm now showing the first page, first picture, and
3 referring to the second. And if it's easier for you,
4 Ms. Purnavel, you can also look at the copy that you have with
5 you.

6 Do you recognize the person depicted in these two
7 photos that are Government Exhibit 70?

8 A I do.

9 Q Who is it?

10 A Ruslan Rapaport.

11 Q How do you recognize him?

12 A I have done surveillance on Ruslan Rapaport.

13 Q I'm going to turn back to Government Exhibit 69, the
14 labels.

15 (Exhibit published.)

16 Q Turning to the last page, the last label, this is on the
17 page that bears a Bates number 51466, is Ruslan Rapaport
18 listed as the sender?

19 A No, he is not.

20 Q Who is?

21 A Alex James.

22 Q Is this photo that is in Government Exhibit 70 a
23 photograph of the person who paid for the postage for that
24 last label on Government Exhibit 69?

25 (Exhibit published.)

Purnavel - direct - Yaeger

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1 A Yes, it is.

2 Q Did there come a time when the Post Office notified you
3 about a new package going to 59 Genesee?

4 A Yes.

5 Q Approximately when was that?

6 A Approximately March 2012.

7 Q Would you turn, please, to Government Exhibit 71.

8 Do you recognize the photos that are collected here
9 in Government Exhibit 71?

10 A I do.

11 Q Who took these photographs?

12 A I did.

13 Q Do they accurately depict the items you photographed?

14 A They do.

15 Q What was it that you photographed?

16 A The outside of the package that was addressed to
17 59 Genesee along with the contents inside the package.

18 Q Before you opened the package, did you obtain any
19 authorization?

20 A Yes, I obtained a federal search warrant.

21 MR. YAEGER: The government offers Exhibit 71.

22 MR. GOLD: No objection.

23 THE COURT: Received.

24 (So marked.)

25 (Exhibit published.)

Purnavel - direct - Yaeger

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1 Q Okay. The first page, I'm going to turn to the third
2 page which is clearer.

3 At the bottom of this third page of Government
4 Exhibit 71, what is this item at the bottom of the frame in
5 the picture that I'm holding up?

6 A It is a ruler.

7 Q Why is there a ruler in this picture, Ms. Purnavel?

8 A We do that to depict the size of the package.

9 Q You placed the ruler there?

10 A I did.

11 Q Before I continue also, do you see, do you have with you
12 a copy of Government Exhibit 72?

13 A I do.

14 Q Do you recognize it?

15 A Yes, I do.

16 Q What is it?

17 A A copy of the search warrant for the package.

18 MR. YAEGER: The government offers Exhibit 72.

19 MR. GOLD: No objection.

20 THE COURT: Received.

21 (So marked.)

22 Q Going back to 71 with all the pictures, here I am on this
23 third page, Government Exhibit 71. I'll see if I can zoom in
24 a little.

25 (Exhibit published.)

Purnave1 - direct - Yaeger

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1 Q Who is the sender here on this package that you got a
2 warrant for?

3 A Alex James.

4 Q It has here an address of 1640 East 16th Street in
5 Brooklyn, New York. Is that one of the four addresses on
6 Government Exhibit 69?

7 A No, it is not.

8 Q Did you find any record of Alex James living at this
9 address here that is on the package that is Government
10 Exhibit 71?

11 A No.

12 Q Who is the recipient of this package?

13 A Mike Sloli.

14 Q And above the name of this listed recipient, what is the
15 phone number? Can you make it out?

16 A 718-290-5967.

17 Q Do you recognize that number?

18 A I do.

19 Q Why?

20 A It is the cell phone that Mr. Liounis had on him when he
21 was arrested bearing that number.

22 Q I'm going to turn to the sixth page of Government
23 Exhibit 71. Let me make sure I've counted correctly. I'm
24 sorry. The eighth page of Government Exhibit 71.

25 (Exhibit published.)

Purnavel - direct - Yaeger

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1 Q Is this picture taken after you opened the package?

2 A Yes, it is.

3 Q Here on the right side of the picture, that the -- here
4 on the left side of the picture, is that the outer part of the
5 package?

6 A Yes.

7 Q What's on the right side of this picture that I'm
8 indicating here?

9 A Another envelope which was inside the package.

10 Q Folded up?

11 A Correct.

12 Q Was there anything inside this folded up envelope that
13 was inside the package?

14 A Cash.

15 Q Is it the cash that is in between the two?

16 A Yes.

17 Q Approximately how much cash is there in that photo that
18 you found in the package?

19 A Approximately \$3,400 in \$100 bills.

20 Q Turn, please, to Government Exhibit 73. Do you have it?

21 A I do.

22 Q Do you recognize it?

23 A I do.

24 Q What is photographed here in Government Exhibit 73?

25 A These are the \$100 bills that were inside the package.

Purnave1 - direct - Yaeger

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1 Q Who took the photos?

2 A I did.

3 Q Does it accurately depict the cash that you photographed?

4 A It does.

5 MR. YAEGER: The government offers Exhibit 73.

6 MR. GOLD: No objection.

7 THE COURT: Received.

8 (So marked.)

9 (Exhibit published.)

10 Q What happened to the package after you opened it?

11 A We put the contents back inside the package and we put it
12 back in the mail stream to be delivered.

13 Q So what address did the package filled with cash go to?

14 A 59 Genesee.

15 Q The defendant's address?

16 A Correct.

17 Q If you could turn now in your stack of documents to
18 Government Exhibit 102.

19 Is your copy of Government Exhibit 102 in a plastic
20 sleeve?

21 A It is.

22 Q Do you recognize Government Exhibit 102?

23 A Yes, I do.

24 Q What is Government 102?

25 A It is an application of some sort.

Purnavel - direct - Yaeger

477

1 Q Where did you find it?

2 A In Mr. Liounis's trash.

3 Q When you found it, what was its condition?

4 A It was ripped up into pieces.

5 Q How did you put it back together?

6 A I taped it back together.

7 MR. YAEGER: The government offers Exhibit 102.

8 MR. GOLD: No objection.

9 THE COURT: Received.

10 (So marked.)

11 (Exhibit published.)

12 Q Under the words Last Name in what appears to be an
13 application here, what is it?

14 A Liounis.

15 Q Moving across Government Exhibit 102, what is the listed
16 birth date?

17 A March 8, 1972.

18 Q I'm sorry. Beneath the defendant's name, what is the
19 listed address?

20 A 59 Genesee.

21 Q Back to the date of birth, did you make any attempts to
22 verify this birth date of March 8, 1972?

23 A I did.

24 Q Did you look at DMV records?

25 A I did.

Purnavel - direct - Yaeger

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1 Q Is this, in fact, Peter Liounis's birthday?

2 A It is.

3 Q Under Social Security number, there's a number. Is that
4 his Social Security number?

5 A It is.

6 Q What about the driver's license?

7 A That is Mr. Liounis's driver's license number.

8 Q Here under co-applicant information, what's the last
9 name?

10 A Liounis.

11 Q First name?

12 A Mary.

13 Q Who is Mary Liounis's if you know?

14 A Peter Liounis's mother.

15 Q How do you know that?

16 A I have spoken to her.

17 Q What employer is listed for Mr. Liounis here?

18 A Old Towne Funding Group.

19 Q Let me direct your attention to Government Exhibit 68 and
20 let me also direct your attention to October 25, 2011.

21 Were you doing surveillance that day?

22 A I was.

23 Q Were you present when trash collectors picked up the
24 trash that morning?

25 A Yes, I was.

Purnave1 - direct - Yaeger

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1 Q Did you find anything of note in the trash that day?

2 A I did.

3 Q What did you find?

4 A I found a receipt with some names and phone numbers
5 listed on it.

6 Q Is that receipt Government Exhibit 68?

7 A Yes, it is.

8 MR. YAEGER: The government offers Exhibit 68.

9 MR. GOLD: No objection.

10 THE COURT: Received.

11 (So marked.)

12 (Exhibit published.)

13 Q Now, looking at the top of Government Exhibit 68, the
14 printed portion is upside down, but looking here at the
15 handwritten portion, what on this upper left-hand side is
16 written where I'm indicating?

17 A Dennis.

18 Q And then above it?

19 A Lamatia.

20 Q How do you spell Lamatia as it is written here?

21 A L-A-M-A-T-I-A.

22 Q Why did you notice this?

23 A Because there is an investor that invested with Grayson
24 Hewitt by the name of Dennis Lamantia.

25 Q So in the name, you know there's an "N" between the "A"

Purnavel - direct - Yaeger

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1 and the "T"?

2 A Correct.

3 Q And up here to the right of Lamatia is a phone number,
4 916-765-3052. Do you recognize that number?

5 A I do.

6 Q What --

7 A That is Dennis Lamatia's number. Sorry to interrupt.
8 The number is 3082.

9 Q Thank you for the correction. I did not bring my glasses
10 today so I appreciate that if you see anything I'm reading
11 wrong.

12 I'm going to show you Government Exhibit 51 which is
13 already in evidence from Mr. Kiernan which is summaries.

14 (Exhibit published.)

15 Q On this summary organized by first name, do you see
16 Mr. Lamantia's first name as a depositor?

17 A I do.

18 Q How much is listed for an investment by Mr. Dennis
19 Lamantia?

20 A \$33,200.

21 Q Going back to Government Exhibit 68, the receipt from the
22 trash, I'm now going to clip it upside down so that the
23 written text is facing up.

24 Here, at the top, this word with the line beneath
25 it, what is it?

Purnave1 - direct - Yaeger

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1 A Annelle.

2 Q Do you recognize that name?

3 A I do.

4 Q Why do you recognize that name?

5 A There is an investor with Grayson Hewitt by the name of
6 Renald Anelle.

7 Q Back to Exhibit 51, turning to the second page which is
8 the listed depositors with a Grayson Hewitt account, do you
9 see the name Renald Anelle?

10 (Exhibit published.)

11 A Yes.

12 Q How much did Mr. Anelle invest?

13 A \$5,000.

14 Q So going back to Government Exhibit 68, upside down,
15 underneath Annelle's name on the right here, what is written?

16 (Exhibit published.)

17 A 5K.

18 Q What do you understand 5K to mean?

19 A \$5,000 or 5000 rather.

20 Q On the left, there's another number beneath Annelle's
21 name here on Government Exhibit 68. What is that number?

22 A 62.50.

23 Q Now, I'm going to show you what is already in evidence as
24 Government Exhibit 55, another summary created by Mr. Kiernan,
25 deposits and withdrawals by Mr. Anelle.

Purnave1 - direct - Yaeger

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1 (Exhibit published.)

2 Q These first several withdrawals for Mr. Anelle, what is
3 the dollar amount?

4 A 62.50.

5 Q Is that the same amount written here in Government
6 Exhibit 68?

7 A Yes.

8 MR. YAEGER: No more questions at this time, Your
9 Honor.

10 THE COURT: Mr. Gold, do you expect to be more than
11 15 minutes?

12 MR. GOLD: I probably will, Your Honor.

13 THE COURT: All right. Why don't we recess for
14 lunch then. Let's recess for lunch. We will resume at
15 2 o'clock. Have a good lunch. Please do not discuss the
16 case.

17 (Jury exits.)

18 (Continued on next page.)

19

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25

1 THE COURT: Okay. Anything need my attention?

2 MR. YAEGER: No, Your Honor.

3 MR. GOLD: No, Your Honor.

4 THE COURT: You have several other witnesses for
5 this afternoon?

6 MR. YAEGER: I'm sorry, Your Honor. I didn't catch
7 that.

8 THE COURT: You have some other witnesses for this
9 afternoon?

10 MR. YAEGER: Just a moment. With the stipulations,
11 it may have changed a little.

12 MR. LERER: Special Agent John Szwalek,
13 S-Z-W-A-L-E-K.

14 THE COURT: Is that it?

15 MR. LERER: No, there are others. Special Agent
16 Parkhill, P-A-R-K-H-I-L-L. That's it, Your Honor. We may not
17 fill the afternoon. It's going so much more quickly than we
18 thought.

19 THE COURT: Okay.

20 MR. LERER: Thank you, sir.

21 THE COURT: All right. See you at 2:00.

22 MR. GOLD: Thank you, Your Honor.

23 (Luncheon recess.)

24 (Continued on next page.)

25

1 A F T E R N O O N S E S S I O N

2 (The following occurred in the absence of the jury.)

3 THE COURT: Are you ready?

4 MR. YAEGER: Yes.

5 I believe it is Mr. Gold's witness, Your Honor.

6 THE COURT: Yes, I know.

7 MR. YAEGER: We are ready.

8 THE COURT: Do we need Mr. Lerer here.

9 MR. YAEGER: We can proceed without him, if we need
10 to.

11 THE COURT: Okay. Are you ready to proceed?

12 MR. GOLD: Yes, sir.

13 THE COURT: All right. Get the jury.

14 THE CLERK: Yes, Your Honor.

15 (Jury present.)

16 THE COURT: Thank you very much.

17 All right. Mr. Gold will cross-examine Inspector
18 Purnavel.

19 Go ahead, Mr. Gold.

20 MR. GOLD: Thank you, Your Honor.

21 (Continued on next page.)

22

23

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Purnavel - cross - Gold

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1 CROSS-EXAMINATION

2 BY MR. GOLD:

3 Q Good afternoon, Inspector.

4 A Good afternoon.

5 Q Now, you were played a variety of recordings that are in
6 evidence from various wiretaps.

7 Do you recall being -- listening to them during your
8 direct examination?

9 A Yes.

10 Q You were asked to compare the voice of Peter Liounis to
11 the voice of Mark Anderson on these various calls that you
12 were played, correct?

13 A To compare the voice of Liounis and Mark Anderson?

14 Q The voice, whether the voice on the wiretapped called
15 that you were listening to was the same as Peter Liounis's
16 voice?

17 A No. I don't believe I was played wiretap calls on my
18 direct. From the wiretap?

19 Q What calls --

20 A Which call -- I am not sure which calls you are referring
21 to.

22 Q Okay. Let me withdraw and start again.

23 A Okay.

24 Q You identified Peter Liounis as being, having the same
25 voice as the person whose voice appeared on the various

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Purnavel - cross - Gold

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1 recordings you were presented, correct?

2 A Correct.

3 Q At one point you were asked, is that the voice of Peter
4 Liounis, and you said yes; do you recall that?

5 A Yes.

6 Q Just to be clear, you were stating that as your opinion,
7 correct? That's not a fact?

8 A That's what I have concluded through my investigation,
9 correct.

10 Q That is what your ears tell you, correct?

11 A Correct.

12 Q You have not received any special training in voice
13 identification, correct?

14 A Correct.

15 MR. YAEGER: Objection.

16 THE COURT: Overruled.

17 Q You have not studied the science of voice identification
18 in any regard, have you?

19 MR. YAEGER: Objection.

20 THE COURT: Overruled.

21 A I have not.

22 Q And, in fact, were any of these recordings submitted for
23 scientific evaluation and analysis to compare the voices to
24 make any conclusion as to whether or not one person placed all
25 these calls?

Purnavel - cross - Gold

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1 MR. YAEGER: Your Honor, objection.

2 Your Honor, might we have a side bar?

3 THE COURT: Overruled.

4 A No, they were not.

5 Q Now, you also indicated that there were various times
6 when garbage was searched that had come from the 59 Genesee
7 Avenue residence, correct?

8 A Yes.

9 Q You indicated, I believe it was Exhibit 68, that was
10 the -- do you have that book in front of you? That's the
11 handwritten notes with at the top of the page Lamantia?

12 A Yes.

13 Q Do you have that?

14 Okay. When that was collected outside the residence
15 of 59 Genesee Avenue, the residence of Peter Liounis and
16 others, was this document submitted for fingerprint analysis?

17 A No, it was not.

18 Q At the top and at the bottom of this particular page,
19 there are handwritten entries, correct?

20 A Correct.

21 Q Were any handwriting exemplars done to establish whether
22 Peter Liounis was the writer of this -- of these words and
23 numbers?

24 A No.

25 Q Now, you are also asked about during -- withdrawn.

Purnavel - cross - Gold

488

1 What time period did you and your fellow agents
2 conduct surveillance outside of 59 Genesee Avenue?

3 A I don't remember the exact dates.

4 Q Approximately?

5 Okay. Was it -- would it be -- would you accept a
6 timeframe of the end of -- from the fall of 2011 through the
7 winter of 2012 as an approximate timeframe?

8 A Yes.

9 Q You and, again, fellow agents working the investigation
10 conducted the surveillance, correct?

11 A Correct.

12 Q You indicated that as a result of that surveillance, you
13 had determined that Peter Liounis, Scott Paccione, is that --
14 what was the second name?

15 A Scott Paccione.

16 Q Scott Paccione and an unidentified person had been living
17 there during the timeframe of your surveillance, correct?

18 A Correct.

19 Q And the person who you initially -- you again being one
20 of the case agents, you and other investigators learned to be
21 Mike Slali?

22 A Yes. Later on we learned that he was Mike Slali,
23 correct.

24 Q You learned that on or about April 18th of 2012?

25 A Correct.

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Purnavel - cross - Gold

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1 Q That was during the search of the 59 Genesee Avenue
2 residence, correct?

3 A Correct.

4 Q Did you determine whether or not anyone else was living
5 in that house during that time period?

6 A No.

7 Q Were there other residents living on a different floor,
8 to your knowledge?

9 The Mertz, does that name refresh your recollection?

10 A Later on, yes, we -- that name did come up.

11 Q You learned that some -- one or two people named Mertz
12 lived in that residence as well?

13 A At least one person has, yes, has come up as possibly
14 living there, correct.

15 Q Did you personally participate in the search of
16 Mr. Liounis's residence?

17 A I did not.

18 Q Are you familiar with what was seized during the course
19 of that search?

20 A What do you mean by familiar?

21 Q Are you aware of what documents, what things, items were
22 seen and taken by those agents conducting the search?

23 A I'm aware of some of the items that were taken, yes.

24 Q Was any gold taken from Peter Liounis's residence?

25 A No.

Purnavel - cross - Gold

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1 Q Were any Grayson Hewitt statements taken from Peter
2 Liounis's residence?

3 A No.

4 Q Was the telephone used by Mark Anderson that we have been
5 listening to the past few days, was that telephone recovered
6 in Peter Liounis's residence?

7 A No.

8 Q Were there any documents about -- concerning Innovative
9 Commerce limited taken from that residence?

10 A No.

11 Q Was there any cash taken from that residence, from his
12 room?

13 A Not that I am aware of.

14 Q Were any account statements for overseas accounts or --
15 well, I will leave it at that.

16 Were any account statements from overseas banks
17 seized or found at that location?

18 A No, not that I am aware of.

19 Q Did there come a point in time when you did obtain bank
20 records for Mr. Liounis?

21 A Yes.

22 Q Do you recall what the account balances were
23 approximately?

24 A I do not recall, no.

25 Q Was it in the million dollar range?

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Purnavel - cross - Gold

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1 MR. YAEGER: Objection, objection.

2 THE COURT: Overruled.

3 A Million dollar range, no.

4 Q Do you recall what the highest amount of money in his
5 account at any time period that you received statements for
6 approximately?

7 A I don't recall account balances. I recall a couple of
8 thousand dollars -- a couple of checks written for a couple of
9 thousand dollars at each time going into that account, yes.

10 Q And that was the -- would it be fair to say, that was the
11 maximum, a couple of thousand dollars going into the account,
12 as far as your recollection is?

13 A As far as I recall, yes.

14 Q Okay. I'm sorry. I neglected to ask this.

15 In terms of what was found in the house, were there
16 any documents found at the time of the search relating to
17 Iryna Yarova?

18 A No.

19 Q Were there any documents found relating to Boris or
20 Ruslan Rapaport?

21 A Repeat your question.

22 Q Sure.

23 Were there -- I will break it up.

24 Were any documents recovered in Peter Liounis's room
25 with the name Ruslan Rapaport?

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CSR

Purnavel - cross - Gold

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1 A No.

2 Q And the same question as to Boris Rapaport?

3 A No.

4 Q Were any throwaway phones found in Peter Liounis's room?

5 A There was a throwaway found.

6 Q In his --

7 A I don't recall where it was found. I just know it was in
8 the search.

9 Q That phone might have been found in Mr. Slali's room?

10 A I just know it was found in the search. I don't know --

11 Q Fair enough.

12 Now, you also described for us, I believe it was
13 February 22nd, the date that the Express mail package was
14 opened before being delivered?

15 Do you recall that?

16 A Right. That wasn't the February --

17 Q I was just going to say, I think I messed up the date.
18 What was the correct date on that?

19 A I believe it was approximately March 22nd.

20 Q March 22nd. Thank you.

21 So on March 22nd, this package was intercepted
22 before it was actually delivered to that house at 59 Genesee,
23 correct?

24 A Correct.

25 Q Inside there was the amount of money we have said, about

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Purnavel - cross - Gold

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1 \$3,400, that was found and in an envelope addressed to Mike
2 Slali, correct?

3 A Correct.

4 Q Did agents do surveillance at the house when the package
5 was delivered?

6 A I don't recall if agents did surveillance that day when
7 that package was delivered.

8 Q Okay. So do you know whether -- who accepted that
9 package on that day?

10 A Off the top of my head, no, I do not.

11 Q Now, if you could turn your attention to Government
12 Exhibit 69. These are those -- I don't know what you call
13 them -- the Express mail mailing labels.

14 A Okay.

15 Q Okay. These were mailing labels that were sent -- of
16 packages, rather, that were sent to 59 Genesee, addressed to
17 Mike Slali or some permutation thereof, over a period of about
18 a month, correct? Approximately?

19 From February 16th to March 6th; less than a month,
20 correct?

21 A Correct.

22 Q Okay. These were records that you found in the post
23 office or -- where were these records found?

24 A I had found -- I don't know which Express mail label but
25 I found a copy in Liounis's trash and then I went to the post

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Purnavel - cross - Gold

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1 office, reviewed their Express mail labels and I pulled some
2 other labels.

3 Q Now, what we have here are copies of those labels,
4 correct?

5 A Correct.

6 Q Where are the originals, do you know?

7 A They're in my office.

8 Q Okay. Were those originals ever submitted for
9 fingerprint analysis?

10 A No.

11 Q You indicated that this -- that one of the mailing
12 labels, if you look on the first page, looks like the delivery
13 date 3/7, the telephone number above Mike Slali's name,
14 (718) -- well, is that 290? 280?

15 A 290.

16 Q 290-5967?

17 A Correct.

18 Q You indicated that that's a phone that Mr. Liounis told
19 you, your fellow agents, was his phone?

20 A Yes. That was one of the cellphones that he had on his
21 person.

22 Q Or that he had on his person?

23 A Correct.

24 Q Now, there is another telephone number, if you look to
25 the one below that, package also addressed to Mike Slali, on

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Purnavel - cross - Gold

495

1 three -- looks like 3/7 again, or three -- I don't know.

2 Could you read the date?

3 A 3/2.

4 Q Is that 3/2?

5 A Yes.

6 Q Okay. 3/2.

7 And there is a -- another telephone number, 347 -- I
8 will let you read it.

9 A 347-453-1874.

10 Q Do you know whose telephone number that is?

11 A Sitting here right now, I do not. I don't recall whose
12 phone number that is.

13 Q At some point did you check the subscriber information on
14 that telephone?

15 A I don't know if we checked the subscriber information.

16 I know that during -- once Mr. Liounis was arrested,
17 during our interview with him, he had given us a phone number
18 of an individual by the name of Alex and this might be the
19 phone number but I don't know offhand.

20 Q You don't know?

21 A No.

22 Q Okay. Did you do the subscriber service on the 718
23 number, the number above it?

24 A I personally did not. Other agents may have. But I am
25 not aware of that information.

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Purnavel - cross - Gold

496

1 Q Okay. Was any fingerprint analysis done on that phone?

2 A No.

3 Q You indicated that, again, there were a number of days
4 and times when you and your fellow agents conducted
5 surveillance outside the home of Mr. Liounis, 59 Genesee
6 Avenue, correct?

7 A Correct.

8 Q Again, you are one of the case agents and would it be
9 fair to say that you have reviewed many if not all of the
10 reports that were filed in connection with this case, by your
11 fellow agents, that is?

12 A Yes. I have reviewed many. I don't know if I reviewed
13 them all but many.

14 Q You have participated in the trial preparation for this
15 jury, this trial?

16 A That is correct.

17 Q And you sat through the course of the testimony?

18 A Correct.

19 Q So you would agree, you are familiar with the activities
20 and the important dates and times relevant to this case,
21 correct?

22 A Familiar, yes.

23 Q Now, did there come a time when agents conducted, were
24 conducting surveillance and it was determined that that -- at
25 that precise time when agents were watching the home that the

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Purnavel - cross - Gold

497

1 Mark Anderson telephone was in use?

2 A Yes.

3 Q Can you tell the members of the jury what the agents did
4 in response to learning that the Mark Anderson telephone was
5 in use right at that time?

6 A Yes. We had an agent drive by the Liounis residence and
7 turn on his police siren.

8 Q What was the purpose of that?

9 A To see if they would catch it on the other end, on the
10 wire.

11 Q So, in other words, to see whether outside the house of
12 Peter Liounis, when that Mark Anderson phone was in use,
13 whether a siren would be picked up and establish that in fact
14 that phone was being used inside of that house, correct?

15 A Correct.

16 Q Have you listened -- withdrawn.

17 Was that siren heard on the wiretap at that time?

18 A To my knowledge, no, it was not.

19 Q Last thing. Regarding Mr. -- are you okay?

20 A Yes.

21 Q Okay. Mr. Rapaport, whose picture was admitted in
22 evidence at the time he was paying for the postage for one of
23 the shipments that went to the Mike Slali at the 59 Genesee,
24 do you remember that on direct examination?

25 A I do.

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Purnavel - redirect - Yaeger

498

1 Q Did there come a time when Mr. Rapaport was stopped as he
2 was exiting the country?

3 A I believe so, yes. While exiting the country, yes.

4 Q At that time a search was conducted of him as to what
5 documents and money or whatever else he might be carrying with
6 him at that time, correct?

7 A Yes.

8 Q Was Peter Liounis's name found during the search of
9 Mr. Rapaport at that time?

10 A Not that I am where of, no.

11 Q Was Peter Liounis's telephone number found at the time
12 Mr. Rapaport was searched?

13 A I don't know.

14 MR. GOLD: I have no further questions.

15 Thank you, Your Honor.

16 THE COURT: Is there any redirect?

17 MR. YAEGER: Yes, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. YAEGER:

20 Q Inspector Purnavel, do you recall being asked questions
21 about Mr. Liounis's voice?

22 A Yes.

23 Q Now, you have heard Mr. Liounis in person, correct?

24 A Correct.

25 Q You have heard him on his personal phone, right?

Purnavel - redirect - Yaeger

499

1 A Correct.

2 Q You have heard him on Government Exhibit 67, the call
3 both the government and the defense agrees are Mr. Liounis?

4 A Yes.

5 Q Have you heard Mark Anderson on that wiretap?

6 A Yes, I have.

7 Q Many times?

8 A Many times.

9 Q Is Peter Liounis's voice distinctive to you?

10 A It is.

11 Q You talk to people on the phone for work and personally?

12 A Yes.

13 Q Do you recognize voices when you do that?

14 A Yes.

15 Q Do you have any doubt as to your identification of the
16 defendant's voice?

17 MR. GOLD: Objection.

18 THE COURT: Sustained.

19 Q Defense counsel asked you about what your ears tell you.

20 Do your ears tell you that Mark Anderson is the
21 defendant?

22 A Yes.

23 Q Defense counsel asked you about a variety of items
24 related to Grayson Hewitt that were seized at the time of the
25 search and also at the time of his arrest.

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Purnavel - redirect - Yaeger

500

1 Do you recall that?

2 A Yes.

3 Q Was the search of the house close to the time of the
4 arrest?

5 A Yes. It was the day after.

6 Q At that time how long had Grayson Hewitt been shut down?

7 A Grayson Hewitt shut down, if I remember correctly, in
8 February 2012. So at least two months.

9 Q Do you remember being asked questions as to whether the
10 Mark Anderson phone was found in the search?

11 A Yes.

12 Q You testified that in the search a month or two after
13 Grayson Hewitt was shut down there was one phone you found?

14 A Correct.

15 Q What kind of phone was that?

16 A I don't -- I don't know the model. It was just a flip
17 phone, a cellphone.

18 Q Was it a throwaway phone, is that what you said on cross?

19 A Yes.

20 Q Listening to the wire, were there some calls you heard
21 where a calling card was used?

22 A Yes.

23 Q Do you remember being asked questions about whether you
24 took fingerprints of various items?

25 A Yes.

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Purnavel - recross - Gold

501

1 Q Including items found in the trash, correct?

2 A Correct.

3 Q When you went through the trash, did you wear gloves?

4 A I did.

5 Q What kind of things did you find in the trash, generally?

6 What was it like?

7 A Cat litter, rotten food, not -- you know, disgusting
8 things.

9 Q Did that pose any problems in getting fingerprints?

10 A Yes.

11 MR. YAEGER: No further questions.

12 THE COURT: Anything else, Mr. Gold?

13 MR. GOLD: Briefly. Thank you.

14 RECROSS-EXAMINATION

15 BY MR. GOLD:

16 Q Inspector, you were just asked whether, regarding what
17 else was found when you went through the trash and you
18 delineated some of the quote disgusting stuff, was any of that
19 disgusting stuff on the Express labels that you have back in
20 your office that came from the post office?

21 A I'm sure, yes. I'm sure it was.

22 Q The ones I am referring to now, the ones that you learned
23 after the search of the garbage determining that other -- six
24 other packages that went to Mike Slali's house, Exhibit 69,
25 those didn't come from the trash, right?

Purnavel - recross - Gold

502

1 A As far as I recall, I pulled these from the post office.

2 Q Correct.

3 They didn't have any disgusting stuff on it,
4 correct?

5 A Not the disgusting stuff that was in the garbage, no.

6 Q They weren't submitted for fingerprint analysis, were
7 they?

8 A They were not.

9 Q Mr. Yaeger asked you whether you've spoken on the
10 telephone and conducted, as anyone else would, many
11 conversations over the telephone and you recognize the voices
12 of the people you are speaking with, words to that effect.

13 Do you remember -- do you recall him just asking you
14 something along those lines?

15 A Yes.

16 Q Can I ask you, have you ever picked up the telephone and
17 heard someone speak to you and called them by their wrong name
18 because you thought they were somebody else?

19 A Has it happened, sure. When I hear voices numerous times
20 I usually recognize them. But can I say it hasn't happened?
21 No, I cannot say that.

22 Q Have you ever spoken with Peter Liounis on the telephone?

23 A No, not that I recall.

24 Q So your identification is based on hearing him
25 face-to-face and then listening to the telephone calls,

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Purnavel - redirect - Yaeger

503

1 correct?

2 A Correct.

3 MR. GOLD: No further questions.

4 THE COURT: Anything further?

5 MR. YAEGER: Yes, Your Honor, very brief.

6 REDIRECT EXAMINATION

7 BY MR. YAEGER:

8 Q Do you recall counsel just asking you questions about the
9 labels that you collected from the post office in the New Dorp
10 station?

11 A Yes.

12 Q When you collected those labels, not the ones in the
13 trash, were those labels that had been on packages that were
14 mailed?

15 A Yes.

16 Q When a package is mailed, does more than one person
17 handle the package?

18 A Yes. It is handled by many individuals.

19 Q As it goes through the post office?

20 A Correct.

21 Q And then the letter carrier?

22 A Correct.

23 Q Could that create a problem for getting a good set of
24 fingerprints?

25 A Yes, it can.

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Purnavel - recross - Gold

504

1 MR. YAEGER: No further questions.

2 MR. GOLD: From here, if I may.

3 THE COURT: Go ahead.

4 RECROSS-EXAMINATION

5 BY MR. GOLD.

6 Q Did you try?

7 THE COURT: Excuse me?

8 Q Did you try?

9 Did you send in and make an attempt to see whether a
10 fingerprint could be recovered?

11 A No.

12 MR. GOLD: Nothing further.

13 MR. YAEGER: Nothing further.

14 THE COURT: You are excused.

15 Thank you very much, inspector.

16 (Witness excused.)

17 (Continued on next page.)

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Szwalek - direct - Yaeger

505

1 THE COURT: Call your next witness, please.

2 MR. YAEGER: The United States calls Special Agent
3 John Szwalek.

4 J O H N S Z W A L E K, J R.,

5 having been duly sworn, was examined and

6 testified as follows:

7 THE CLERK: State your name and spell it for the
8 record.

9 THE WITNESS: John Szwalek, Jr., S Z W A L E K.

10 THE COURT: Please proceed.

11 DIRECT EXAMINATION

12 BY MR. YAEGER:

13 Q Special Agent Szwalek, where do you work?

14 A I work for the Department of Homeland Security,
15 Investigations.

16 Q And how long have you worked for Homeland Security,
17 Mr. Szwalek?

18 A Just over eight years.

19 Q What are your responsibilities in your current position?

20 A Right now, I investigate financial crimes, such as money
21 laundering, wire fraud, bank fraud.

22 Q Let me direct your attention to March 2, 2012, please.

23 Were you conducting surveillance that day?

24 A Yes.

25 Q Where were you conducting surveillance?

Szwalek - direct - Yaeger

506

1 A I was conducting surveillance at 59 Genesee Avenue in
2 Staten Island, New York.

3 Q Who were you watching?

4 A The defendant Peter Liounis.

5 Q Did you see anybody else that day at 59 Genesee?

6 A Yes. At the time, it was an unidentified male.

7 Q How would you describe him?

8 A Scruffy looking, almost looked like a homeless guy.

9 Q What did you observe that day, March 2, 2012?

10 A At approximately 11:00 clock, I observed a postal truck
11 parked on the corner of 59 Genesee Avenue.

12 Q After the postal truck pulled up, what happened?

13 A Shortly thereafter, the defendant Peter Liounis walked up
14 to the postal truck and began a conversation with the postman.

15 Q Did he walk back into the house after that?

16 A Yes. Shortly thereafter, he walked back into the house,
17 and it looked like he was carrying something towards his
18 chest, like a package.

19 Q When did you observe that unidentified male, or that man
20 unidentified at the time?

21 A After the defendant Peter Liounis walked into the house.

22 Q Did you later come to know the name of that man who was
23 unidentified at the time you saw him?

24 A Yes.

25 Q What is his name?

Szwalek - direct - Yaeger

507

1 A Mike Slali.

2 Q If you could turn, please, in the Redweld that I handed
3 to what has been marked for identification as Government's
4 Exhibit 74. Do you have it?

5 A Yes.

6 Q Is there a series of photographs?

7 A Yes.

8 Q Are these photographs that you took?

9 A Yes.

10 Q Did you take them on March 2, 2012?

11 A Yes.

12 Q Is it from your surveillance?

13 A Yes.

14 Q Do they accurately depict what you saw outside 59 Genesee
15 Avenue on March 2, 2012?

16 A Yes.

17 MR. YAEGER: The government offers Exhibit 74.

18 MR. GOLD: No objection.

19 THE COURT: Received.

20 (So marked.)

21 Q What is the vehicle here right in front of the house in
22 the picture that is Government's Exhibit 74, on the first
23 page?

24 A That's a U.S. postal truck.

25 Q What is the address of this building?

Szwalek - direct - Yaeger

508

1 A 59 Genesee Avenue.

2 Q I'm going to flip to the third page of Government's
3 Exhibit 74. Feel free to look at the copies in front of you
4 if they are clearer. This page has a Bates number on the
5 bottom that ends 56878. Do you see a man in front of 59
6 Genesee?

7 A Yes, in a gray sweatsuit. It's Peter Liounis.

8 Q I'm going to flip to, I think it is, the eighth picture,
9 and, in any event, it has a Bates number at the bottom
10 right-hand corner that ends in 56883. Do you see it?

11 A Yes.

12 Q Where is the man standing now, the man you identified as
13 Peter Liounis?

14 A He is standing on the porch of 59 Genesee Avenue.

15 Q I'm going to flip two more pages, or actually the next
16 page. This page ends in Bates number 56884. And in this
17 picture, do you know where Mr. Liounis is?

18 A Yes. He's standing right next to the postal truck. You
19 can see him through the parking shield.

20 Q You were there that day. Frankly, I'm not wearing my
21 glasses. Regardless of what you see in this picture, is it
22 your testimony that you saw him walk down to the truck?

23 A Yes.

24 Q I'm now here at the picture that has a Bates number
25 ending 56886. Is he still behind the truck?

Szwalek - direct - Yaeger

509

1 A Yes.

2 Q By the time we get to the picture ending with the number
3 56889, where has Mr. Liounis moved?

4 A He starts walking back to 59 Genesee Avenue.

5 Q Now, showing the next picture, 56890 of Government's
6 Exhibit 74. Here, in the picture ending with the numbers
7 56891, where is Mr. Liounis?

8 A He's at the front door.

9 Q What is he doing?

10 A He's walking into 59 Genesee Avenue.

11 Q Flipping a few pictures ahead. Now, I see a later
12 picture. This is still in Government's Exhibit 74, and Bates
13 number ending 56893. Who is the man standing on the porch?

14 A At the time, he was unidentified, but later on, we
15 identified him as Mike Slali.

16 Q If you could look now at Government's Exhibit 69, please,
17 which is already in evidence. If you look at the first page
18 of Government's Exhibit 69, Express Mail, what is the date
19 this package was received, the label on the first page of
20 Government's Exhibit 69?

21 A March 2.

22 Q The same day as the surveillance?

23 A Yes.

24 Q What is the listed time here?

25 A 11:15 a.m.

Szwalek - cross - Gold

510

1 Q Is that during the period that you were surveilling?

2 A Yes.

3 Q What is the address of the package? What's the address
4 to which the package was being sent?

5 A It was being sent to 59 Genesee, Staten Island,
6 New York 10308

7 Q Who is the person to whom it was addressed?

8 A It was addressed to Mike Slali.

9 Q What's the first name of the person sending it?

10 A Alex.

11 Q Who did you see pick up what appeared to be a package
12 from the mail truck at approximately 11:15 a.m. on March 2,
13 2012?

14 A Peter Liounis.

15 MR. YAEGER: No further questions.

16 THE COURT: Mr. Gold.

17 CROSS-EXAMINATION

18 BY MR. GOLD:

19 Q Good afternoon, agent.

20 A Good afternoon.

21 Q Did you make any notes or reports in connection with this
22 surveillance?

23 A Yes. I have handwritten notes.

24 MR. GOLD: May I have one moment, your Honor?

25 THE COURT: Yes.

Szwalek - cross - Gold

511

1 (Pause.)

2 Q Do you know where those notes are?

3 A Actually, I have a copy of them, if you need them.

4 Q Have you ever turned them over to Mr. Yaeger?

5 A Yes.

6 Q Or Mr. Lerer?

7 A Hmm.

8 Q When was that?

9 A That was at the time of discovery, when I was asked to
10 turn them over.

11 Q About how long ago, do you remember, approximately?

12 A I couldn't give a definite time. At least a year and a
13 half ago.

14 MR. GOLD: Your Honor, may I approach and obtain
15 that record?

16 THE COURT: Sure.

17 MR. GOLD: Thank you, your Honor.

18 MR. GOLD: Your Honor, can I get a minute? Thank
19 you.

20 (Pause.)

21 MR. GOLD: Thank you, your Honor.

22 Q Agent, you indicated at approximately 11:15, you observed
23 Mr. Liounis approach the mail truck; correct?

24 A I think it was a couple of minutes before.

25 Q A couple of minutes before?

Szwalek - cross - Gold

512

1 A Yes.

2 Q And how long was he standing at the mail truck, if you
3 recall?

4 A For several minutes.

5 Q Could you observe what was happening while he was
6 standing there?

7 A My view was partially blocked, but I observed him talking
8 to the postal truck.

9 Q I'm sorry. I didn't hear the last part.

10 A I observed him walking to the postal truck.

11 Q Correct. But what I am asking you is, when he arrived at
12 the postal truck, could you see what he was doing?

13 A No.

14 Q Could you see what the postal carrier was doing?

15 A No.

16 Q And after a couple of minutes of standing at that truck,
17 you observed him walking away; correct?

18 A Yes.

19 Q When I say "away," back towards the residence?

20 A Yes.

21 Q He was not walking backwards, he was walking face
22 forward; correct?

23 A Yes.

24 Q So, you saw his back?

25 A Yes.

1 Q Did he turn around at any point between the time he
2 walked away from the postal truck until the time he got back
3 into the residence?

4 A He turned around at some point, because he was facing the
5 postal truck. So, he turned and walked toward --

6 Q And -- I'm sorry. I didn't mean to interrupt.

7 A Yes.

8 Q From the time he turned around after standing at the
9 postal truck and walked back to the house, did he go straight
10 back into his residence?

11 A Yes, he went back into his residence.

12 Q As he was walking to his residence, the only view you had
13 of him was his back; correct?

14 A And another side profile of him walking in.

15 Q Could you observe what he was holding in his hands?

16 A I observed him holding something to the chest.

17 Q Could you identify what that something was?

18 A No.

19 Q After Mr. Liounis entered the residence, Mr. Slali came
20 out of the house; correct?

21 A Yes.

22 Q And at that point, I believe you indicated he was
23 unidentified, you folks didn't know who he was at that time;
24 correct?

25 A Yes.

1 Q Was he the focus of your investigation at that time?

2 A No.

3 Q Was he a person of interest to the investigation at that
4 time? Mr. Slali, I'm talking about.

5 A Not to my knowledge.

6 Q And then Mr. Slali walked to the same postal truck that
7 Mr. Liounis had a few moments before; correct?

8 A No.

9 Q He just stood on the porch; is that right?

10 A Yes.

11 Q Okay. How long after that -- and you took a photograph
12 of that; correct?

13 A I'm sorry. A photograph of what?

14 Q Of Mr. Slali while he was outside the residence; correct?

15 A Yes.

16 Q How long after that photo was taken did your surveillance
17 end?

18 A The surveillance at 59 Genesee?

19 Q Yes.

20 A I would have to take a look at my notes. I believe
21 approximately --

22 Q It's okay. Don't guess.

23 A I have here at 1155 hours, which would be 11:15 a.m., he
24 got into his Mercedes.

25 Q That would be Mr. Liounis?

Szwalek - redirect - Yaeger

515

1 A Yes.

2 MR. GOLD: I have no further questions. Thank you.

3 THE COURT: Anything further?

4 MR. YAEGER: Yes, your Honor.

5 REDIRECT EXAMINATION

6 BY MR. YAEGER:

7 Q Special Agent Szwalek, do you recall being asked by
8 defense counsel about what the defendant was holding when he
9 went back in the house?

10 A Yes.

11 Q Was he holding something to his chest when he walked to
12 the truck in the first place?

13 A No. He was empty-handed.

14 Q Then when he arrived at the truck, how long did he stay
15 there?

16 A He stayed at the truck --

17 Q Approximately?

18 A Approximately a good three minutes, three or four
19 minutes.

20 Q When he went back in from the truck to the house, that's
21 when you observed him holding something to his chest?

22 A Yes.

23 MR. YAEGER: No further questions.

24 THE COURT: All right. If there's nothing further,
25 you are excused.

Szwalek - recross - Gold

516

1 MR. GOLD: Your Honor, one more thing, if I may?

2 THE COURT: I'm sorry.

3 RECROSS-EXAMINATION

4 BY MR. GOLD:

5 Q Did you at any time speak with the postal carrier who was
6 in the truck at that time, to see what, if anything, he had
7 given to Mr. Liounis?

8 A Myself?

9 Q You or any other agent.

10 A I can only speak for myself. I did not speak to the
11 postal carrier.

12 MR. GOLD: Thank you.

13 THE COURT: Thank you.

14 You are excused. Thank you very much.

15 (Witness excused.)

16 THE COURT: Call your next witness, please.

17 MR. YAEGER: The United States calls Special Agent
18 Brian Parkhill.

19 I'm afraid he's not here yet, your Honor. He's been
20 detained.

21 THE COURT: Do you have another witness, or is he
22 your last witness?

23 MR. YAEGER: He's our last witness for today, your
24 Honor.

25 THE COURT: Is he in the courthouse?

1 MR. LERER: Your Honor, I will inquire as to where
2 he is on the telephone.

3 THE COURT: Why don't we take a brief recess, then.
4 We'll take a brief recess.

5 (Jury excused.)

6 THE COURT: We'll recess for about five or ten
7 minutes.

8 MR. GOLD: Your Honor, if I may, when we come back,
9 if I could recall Agent Purnavel for one question which I
10 neglected to ask?

11 THE COURT: Sure.

12 MR. GOLD: Thank you, your Honor.

13 (Recess taken.)

14 (In open court.)

15 THE COURT: Have you been able to contact Agent
16 Parkhill.

17 MR. LERER: Your Honor, he is not close by.

18 THE COURT: All right. Then we'll recess for the
19 day.

20 MR. GOLD: If we could just recall Agent Purnavel,
21 your Honor?

22 THE COURT: Surely.

23 (Pause.)

24 (Jury present.)

25 THE COURT: Inspector Purnavel has been recalled.

Szwalek - recross - Gold

518

1 Mr. Gold would like to ask her another question or two.

2 M I C H E L L E P U R N A V E L,

3 called as a witness, having been previously duly

4 sworn, was examined and testified as follows:

5

6 MR. GOLD: Thank you, your Honor.

7 RECROSS-EXAMINATION

8 BY MR. GOLD:

9 Q Good afternoon, again.

10 A Good afternoon.

11 Q Just to be clear, when you and -- when agents searched
12 Mr. Liounis's residence at 59 Genesee on April 18, that was
13 pursuant to a search warrant; correct?

14 A Correct.

15 Q And that warrant was issued by a judge in this
16 courthouse?

17 A Correct.

18 Q And it was based on information that was presented to
19 that judge, indicating that there was probable cause to
20 believe that evidence of a crime would be found inside that
21 house; correct?

22 A Correct.

23 Q And so, when Mr. Yaeger asked you on redirect examination
24 how long it had been since Grayson Hewitt had shut down before
25 the search actually took place, you indicated it was about

1 three weeks or a month?

2 A Yes. I said that it shut down in February, about.

3 Q The end of February?

4 A Correct.

5 Q And the search was April 18?

6 A Correct.

7 Q And so, in answer to that question, when I was asking you
8 on cross-examination whether certain items, any items relating
9 to Grayson Hewitt, were found in the residence, Mr. Yaeger
10 then asked you how long it had been since Grayson Hewitt shut
11 down; do you recall that sequence of questioning?

12 A Yes.

13 Q My question to you is: If you didn't think that evidence
14 of Grayson Hewitt was going to be found on April 18, why did
15 you go and search the house?

16 MR. YAEGER: Objection.

17 THE COURT: Sustained.

18 Q At the time that you and agents searched the house, were
19 you expecting to find evidence of the Grayson Hewitt fraud?

20 MR. YAEGER: Objection.

21 THE COURT: Sustained.

22 MR. GOLD: Nothing further.

23 MR. YAEGER: No questions, your Honor.

24 THE COURT: You are excused.

25 (Witness excused.)

1 THE COURT: You don't have another witness; is that
2 right?

3 MR. YAEGER: We do not.

4 THE COURT: So, we're going to recess for the day.
5 And I have some good news for you. I think the trial will be
6 over early next week. So, the ability of lawyers to predict
7 time -- sometimes they are a little short. Sometimes they are
8 a little long. They are getting through a little bit quicker
9 than they had predicted. We'll be finished early next week,
10 hopefully.

11 See you tomorrow at 10:00 o'clock. Keep up that
12 wonderful record for promptness. I'll see that you get a
13 certificate. Please don't discuss the case at all.

14 (Jury excused.)

15 THE COURT: All right. Did you want to discuss
16 scheduling for tomorrow?

17 MR. LERER: Yes, your Honor. I don't think we're
18 going to have a full day tomorrow, either, and our other
19 witnesses are primarily from out of town and not here yet.
20 It's likely around a half day tomorrow and around a half day
21 on Monday.

22 THE COURT: Okay.

23 MR. GOLD: Tomorrow, it's the two other victims and
24 anyone else?

25 MR. YAEGER: Sure. We'll tell you all the names.

1 We expect Ronnie Loach.

2 MR. LERER: Postal employee.

3 MR. GOLD: Okay.

4 MR. YAEGER: Dennis Lamantia.

5 MR. LERER: Victim.

6 MR. YAEGER: Renald Anelle.

7 MR. LERER: Mark Leonidov, manager of the mail drop.

8 MR. YAEGER: And Bryan Parkhill, also an agent.

9 MR. GOLD: Thank you.

10 THE COURT: Okay. See you tomorrow at 10:00

11 o'clock.

12 We're recessed until 10:00 o'clock tomorrow morning.

13 (Case adjourned to Thursday, January 30, 2014

14 at 9:30 a.m.)

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I N D E X

W I T N E S S E S:

Eduardo Orellana

DIRECT EXAMINATION 399

CROSS-EXAMINATION 419

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505

J O H N S Z W A L E K, J R.

DIRECT EXAMINATION 505

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523

1 M I C H E L L E P U R N A V E L

2 RECROSS-EXAMINATION

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5 E X H I B I T S:

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